LAWS AND RESOLUTIONS
OF THE STATE OF MONTANA
Volume I of III

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SIXTY-NINTH LEGISLATURE
IN REGULAR SESSION

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OFFICERS AND MEMBERS
OF THE MONTANA SENATE

2025

50 Members

32 Republicans 18 Democrats

OFFICERS

President ..... Matt Regier
President Pro Tempore ..... Kenneth Bogner
Majority Leader ..... Tom McGillvray
Majority Whips ..... Dennis Lenz, Barry Usher, Sue Vinton, Daniel Zolnikov
Minority Leader ..... Pat Flowers
Minority Whips ..... Shane Morigeau, Laura Smith, Susan Webber
Secretary of the Senate ..... Marissa Stockton
Sergeant at Arms ..... Ray Todd

MEMBERS

Name	Party	District	City/Town of Residence
Beard, Becky	R	38	Elliston, MT 59728
Bogner, Kenneth	R	18	Miles City, MT 59301
Boldman, Ellie	D	47	Missoula, MT 59801
Cuffe, Mike	R	1	Eureka, MT 59917
Curdy, Willis	D	49	Missoula, MT 59804
Dunwell, Mary Ann	D	42	Helena, MT 59601
Ellis, Janet	D	41	Helena, MT 59624
Ellsworth, Jason	R	43	Hamilton, MT 59840
Emrich, Daniel	R	11	Great Falls, MT 59401
Esp, John	R	29	Big Timber, MT 59011
Fern, Dave	D	2	Whitefish, MT 59937
Flowers, Pat	D	31	Belgrade, MT 59714
Fuller, John	R	4	Kalispell, MT 59904
Galt, Wylie	R	39	Martinsdale, MT 59053
Gillespie, Bruce	R	9	Ethridge, MT 59435
Glimm, Carl	R	3	Kila, MT 59920
Harvey, Derek	D	37	Butte, MT 59701
Hayman, Denise	D	32	Bozeman, MT 59771
Hertz, Greg	R	7	Polson, MT 59860
Hunter, Gregg	R	15	Glasgow, MT 59230
Kassmier, Josh	R	13	Fort Benton, MT 59442
Kerr-Carpenter, Emma	D	23	Billings, MT 59101
Lammers, Gayle	R	21	Hardin, MT 59034
Lenz, Dennis	R	25	Billings, MT 59104
Loge, Denley	R	45	St. Regis, MT 59866
Mandeville, Forrest	R	28	Columbus, MT 59019
Manzella, Theresa	R	44	Hamilton, MT 59840
McGillvray, Tom	R	26	Billings, MT 59106
McKamey, Wendy	R	12	Great Falls, MT 59405
Morigeau, Jacinda	D	46	Arlee, MT 59821
Morigeau, Shane	D	50	Missoula, MT 59804

Neumann, Cora	D	30	Bozeman, MT 59719
Noland, Mark	R	6	Bigfork, MT 59911
Novak, Sara	D	36	Anaconda, MT 59711
Olsen, Andrea	D	48	Missoula, MT 59801
Phalen, Bob	R	17	Lindsay, MT 59339
Pope, Christopher	D	33	Bozeman, MT 59771
Regier, Matt	R	5	Kalispell, MT 59904
Ricci, Vince	R	27	Billings, MT 59106
Smith, Laura	D	40	Helena, MT 59601
Tempel, Russ	R	14	Chester, MT 59522
Tezak, Tony	R	35	Ennis, MT 59729
Trebas, Jeremy	R	10	Great Falls, MT 59403
Usher, Barry	R	19	Billings, MT 59101
Vance, Shelley	R	34	Belgrade, MT 59714
Vinton, Sue	R	20	Billings, MT 59103
Webber, Susan	D	8	Browning, MT 59417
Windy Boy, Jonathan	D	16	Box Elder, MT 59521
Yakawich, Mike	R	24	Billings, MT 59107
Zolnikov, Daniel	R	22	Billings, MT 59105

OFFICERS AND MEMBERS
OF THE MONTANA HOUSE OF REPRESENTATIVES

2025

100 Members

58 Republicans 42 Democrats

OFFICERS

Speaker ..... Brandon Ler
Speaker Pro Tempore ..... Katie Zolnikov
Majority Leader ..... Steve Fitzpatrick
Majority Whips ..... Marta Bertoglio, Steve Gist, Jedediah Hinkle, Braxton Mitchell, Amy Regier
Minority Leader ..... Katie Sullivan
Minority Caucus Chair ..... Jennifer Lynch
Minority Whips ..... SJ Howell, Jonathan Karlen, Melissa Romano, Tyson Running Wolf
Chief Clerk of the House ..... Carolyn Tschida
Sergeant at Arms ..... Brad Murfitt

MEMBERS

Name	Party	District	City/Town of Residence
Albus, Eric	R	28	Glasgow, MT 59230
Barker, Brad	R	55	Red Lodge, MT 59068
Baum, Denise	D	45	Billings, MT 59108
Bedey, David	R	86	Hamilton, MT 59840
Bennett, Lyn	R	4	Columbia Falls, MT 59912
Bertoglio, Marta***	R	75	Clancy, MT 59634
Brewster, Larry	R	43	Billings, MT 59105
Buttrey, Ed	R	21	Great Falls, MT 59401
Byrne, Ed	R	11	Creston, MT 59901
Caferro, Mary	D	81	Helena, MT 59624
Carter, Bob	D	96	Missoula, MT 59804
Close, Brian	D	65	Bozeman, MT 59715
Cochran, Curtis	R	90	St. Regis, MT 59866
Cohenour, Jill	D	83	East Helena, MT 59635
Crowe, Thedis	D	15	Browning, MT 59417
Cunningham, Melody	D	97	Missoula, MT 59806
Darling, Julie	R	84	Helena, MT 59624
DeMarois, Scott	D	71	Anaconda, MT 59711
Deming, Lee	R	54	Laurel, MT 59044
Duram, Neil	R	1	Eureka, MT 59917
Edwards, Becky	D	61	Bozeman, MT 59771
Elverum, Pete	D	82	Helena, MT 59624
Essmann, Sherry	R	49	Billings, MT 59108
Etchart, Jodee	R	51	Billings, MT 59104
Falk, Terry	R	10	Kalispell, MT 59901
Fielder, Paul	R	14	Thompson Falls, MT 59873
Fitzpatrick, Chip	D	42	Crow Agency, MT 59022
Fitzpatrick, John	R	76	Anaconda, MT 59711
Fitzpatrick, Steve	R	24	Great Falls, MT 59405
Fox, Mike	D	32	Hays, MT 59527
France, Tom	D	99	Missoula, MT 59808
Fyant, Shelly	D	91	Arlee, MT 59821
Gillette, Jane	R	77	Three Forks, MT 59752
Gist, Steve	R	25	Cascade, MT 59421
Gregg, Randyn	R	78	White Sulphur Springs, MT 59645
Griffith, Alanah	D	60	Big Sky, MT 59716
Hawk, Donavon	D	72	Butte, MT 59702
Hinkle, Caleb	R	68	Belgrade, MT 59714
Hinkle, Jedediah	R	67	Belgrade, MT 59714
Howell, SJ	D	100	Missoula, MT 59807
Isaly, Jamie	D	58	Bozeman, MT 59715
Jones, Llew	R	18	Conrad, MT 59425

Joy, Denise	D	46	Billings, MT 59102
Karlen, Jonathan	D	98	Missoula, MT 59806
Kelly, Steven	R	9	Kalispell, MT 59903
Keogh, Connie	D	92	Missoula, MT 59807
Klakken, Shane	R	37	Grass Range, MT 59032
Kmetz, Greg	R	36	Miles City, MT 59301
Kortum, Kelly	D	64	Bozeman, MT 59771
Lee, Marc	D	74	Butte, MT 59701
Ler, Brandon	R	33	Savage, MT 59262
Love, Kathy	R	85	Hamilton, MT 59840
Lynch, Jennifer	D	73	Butte, MT 59701
Maness, Shannon	R	70	Dillon, MT 59725
Marler, Marilyn	D	94	Missoula, MT 59801
Marshall, Ron*	R	87	Hamilton, MT 59840
Matthews, Eric	D	66	Bozeman, MT 59715
Mercer, Bill******	R	52	Billings, MT 59103
Millett, Tom	R	2	Marion, MT 59925
Miner, Russ	R	26	Great Falls, MT 59405
Mitchell, Braxton	R	5	Columbia Falls, MT 59912
Moore, Valerie	R	29	Plentywood, MT 59254
Muszkiewicz, Luke	D	79	Helena, MT 59624
Nave, Fiona	R	56	Columbus, MT 59019
Nelson, Terry**	R	87	Stevensville, MT 59870
Nicastro, Anthony	R	50	Billings, MT 59104
Nicol, Nelly	R	53	Billings, MT 59104
Nikolakakos, George	R	22	Great Falls, MT 59405
Nikolakakos, Melissa	R	20	Great Falls, MT 59405
Oblander, Greg	R	38	Billings, MT 59102
Overstreet, Greg	R	88	Stevensville, MT 59870
Parry, Gary	R	35	Colstrip, MT 59323
Powers, Debo	D	3	Whitefish, MT 59937
Reavis, James	D	47	Billings, MT 59104
Regier, Amy	R	6	Kalispell, MT 59904
Reinschmidt, Mark****	R	75	Whitehall, MT 59759
Reksten, Linda	R	13	Polson, MT 59860
Romano, Melissa	D	80	Helena, MT 59604
Rosenzweig, Scott	D	57	Bozeman, MT 59771
Running Wolf, Tyson	D	16	Browning, MT 59417
Schillinger, Jerry	R	34	Circle, MT 59215
Schomer, Curtis	R	48	Billings, MT 59104
Schubert, Lukas	R	8	Kalispell, MT 59901
Seckinger, Joshua	D	62	Bozeman, MT 59771
Seekins-Crowe, Kerri	R	39	Billings, MT 59105
Sharp, Tracy	R	12	Polson, MT 59860
Smith, Frank	D	31	Poplar, MT 59355
Sooktis, Jade	D	41	Lame Deer, MT 59043
Sprunger, Courtenay	R	7	Kalispell, MT 59904
Stafman, Ed*****	D	59	Bozeman, MT 59771
Strand, Peter	D	63	Bozeman, MT 59715
Sullivan, Katie	D	93	Missoula, MT 59807
Thane, Mark	D	89	Missoula, MT 59806
Thiel, Morgan	R	30	Sidney, MT 59270
Tilleman, Eric	R	23	Cascade, MT 59421
Tuss, Paul	D	27	Havre, MT 59501
Vinton, Mike	R	40	Billings, MT 59101
Walsh, Ken	R	69	Twin Bridges, MT 59754
Weber, Jane	D	19	Great Falls, MT 59403
Wirth, Zack	R	17	Wolf Creek, MT 59648
Zephyr, Zooey	D	95	Missoula, MT 59806
Zolnikov, Katie	R	44	Billings, MT 59105

*Resigned March 3, 2025 ***Resigned June 16, 2025 *****Resigned Nov. 1, 2025
******Resigned Nov. 7, 2025
**Appointed to fill vacated HD 87 seat ****Appointed to fill vacated HD 75 seat

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159 *(Senate Bill No. 64; P. Flowers)* CLARIFYING THE CALCULATION OF COMPENSATION AND EXPENSES FOR LEGISLATORS WHEN NOT IN SESSION; AMENDING SECTIONS 2-18-502, 5-2-302, 5-11-305, AND 5-11-708, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 652

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161 *(Senate Bill No. 36; D. Emrich)* REVISING SCHOOL FUNDING LAWS TO REMOVE EXPIRED CONTINGENCY LANGUAGE RELATED TO THE CLOSURE OF A COAL-FIRED GENERATING UNIT; AND AMENDING SECTION 20-9-638, MCA 656

162 *(Senate Bill No. 35; D. Emrich)* REVISING EDUCATION LAWS TO CLARIFY THE FUNDING AND ENROLLMENT COUNTS FOR A CHILD PARTICIPATING IN AN EARLY LITERACY JUMPSTART PROGRAM IN A SCHOOL DISTRICT OTHER THAN THE CHILD'S RESIDENT SCHOOL DISTRICT; AMENDING SECTIONS 20-7-1804 AND 20-9-311, MCA; AND PROVIDING AN EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE 657

163 *(Senate Bill No. 34; D. Emrich)* GENERALLY REVISING LAWS RELATED TO K-12 SCHOOL DISTRICTS; REMOVING OBSOLETE LANGUAGE REGARDING TUITION CALCULATIONS; CLARIFYING THE BUDGET LIMIT CALCULATIONS FOR A NEW K-12 SCHOOL DISTRICT; AMENDING SECTIONS 20-6-702 AND 20-6-703, MCA; AND PROVIDING AN EFFECTIVE DATE 662

164 *(Senate Bill No. 33; G. Hertz)* TRANSFERRING AUTHORITY AND RESPONSIBILITY FOR PLAN REVIEW, PERMITTING, INSPECTION, AND BUILDING CODE ENFORCEMENT FOR PUBLIC BUILDINGS OWNED OR OPERATED BY STATE AGENCIES TO THE DEPARTMENT OF LABOR AND INDUSTRY; AND AMENDING SECTION 50-60-106, MCA 664

165 *(Senate Bill No. 29; J. Esp)* ALLOWING ELECTRONIC BID BONDS FOR STATE BUILDING OR CONSTRUCTION PROJECTS; AND AMENDING SECTION 18-2-302, MCA 666

166 *(Senate Bill No. 12; J. Trebas)* ELIMINATING THE BOARD OF COUNTY PRINTING AND TRANSFERRING ITS DUTIES TO THE DEPARTMENT OF ADMINISTRATION; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 18-7-401, 18-7-402, 18-7-404, AND 18-7-405, MCA; AND REPEALING SECTIONS 2-15-1026 AND 18-7-403, MCA 667

167 *(Senate Bill No. 9; W. McKamey)* ALLOWING STATE AGENCIES TO DEPOSIT CASH THAT DOES NOT EXCEED $200 AND TOTAL COLLECTIONS THAT DO NOT EXCEED $750 EVERY 14 DAYS INSTEAD OF WEEKLY; AMENDING SECTION 17-6-105, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 668

168 *(Senate Bill No. 5; B. Beard)* REVISING THE COMPENSATION FOR COUNTY TAX APPEAL BOARD MEMBERS; AMENDING SECTION 15-15-101, MCA; AND PROVIDING AN EFFECTIVE DATE 669

169 *(Senate Bill No. 200; B. Gillespie)* GENERALLY REVISING COOPERATIVE LAWS; ESTABLISHING OUT-OF-STATE COOPERATIVE ASSOCIATION RIGHTS, EXEMPTIONS, AND PRIVILEGES; PROVIDING DEFINITIONS; AND AMENDING SECTIONS 2-15-401, 35-17-103, 35-17-104, AND 35-17-202, MCA 670

170 *(Senate Bill No. 198; J. Trebas)* GENERALLY REVISING PROFESSIONAL OCCUPATION LAWS RELATED TO PRIVATE SECURITY; CLARIFYING THE DEFINITIONS OF "ELECTRONIC SECURITY FIRM", "PRIVATE SECURITY GUARD", AND "SECURITY ALARM INSTALLER"; AMENDING SECTIONS 37-60-101, MCA; AND PROVIDING AN EFFECTIVE DATE 673

171 *(Senate Bill No. 190; D. Harvey)* ALLOWING WATER RIGHT HOLDERS TO CONSENT TO WAIVE ADVERSE EFFECTS ANALYSIS IN WATER RIGHT PERMIT OR CHANGE APPLICATIONS; AND AMENDING SECTIONS 85-2-311, 85-2-320, 85-2-360, 85-2-402, 85-2-407, AND 85-2-408, MCA 674

172 *(Senate Bill No. 165; B. Usher)* REVISING BUSINESS FEES FOR SNOWMOBILE OR MOTORIZED EQUIPMENT RENTALS; PROVIDING A TRAIL ENHANCEMENT RENTAL FEE; PROVIDING THAT THE FEE MUST BE USED FOR MAINTENANCE AND REPAIR OF VEHICLES AND TRAILS; AND AMENDING SECTION 23-2-636, MCA 687

173 *(Senate Bill No. 162; B. Usher)* GENERALLY REVISING LAWS RELATED TO THE CRIMINAL JUSTICE OVERSIGHT COUNCIL; EXPANDING THE TYPES OF LOCAL COURT JUDGES WHO MAY BE APPOINTED TO THE COUNCIL; DIRECTING THE CODE COMMISSIONER TO RECODIFY THE STATUTE ENACTING THE COUNCIL; AMENDING SECTION 53-1-216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 689

174 *(Senate Bill No. 143; G. Hertz)* GENERALLY REVISING STATUTE OF LIMITATIONS LAWS; REVISING LAWS RELATING TO COMMENCEMENT OF ACTIONS BASED ON CONTRACT, COVENANT, OBLIGATION, OR LIABILITY FOUNDED ON AN INSTRUMENT; REVISING LAWS RELATING TO COMMENCEMENT OF ACTIONS FOR DAMAGES ARISING OUT OF WORK ON IMPROVEMENTS TO REAL PROPERTY OR LAND SURVEYING; AMENDING SECTIONS 27-2-202 AND 27-2-208, MCA; AND PROVIDING AN APPLICABILITY DATE..... 690

175 *(Senate Bill No. 137; J. Trebas)* PROVIDING THAT PROSPECTIVE JURORS WHO ARE 75 YEARS OF AGE OR OLDER MUST BE EXCUSED ON REQUEST; AMENDING SECTION 3-15-313, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 691

176 *(Senate Bill No. 134; G. Hertz)* CREATING THE SAFEGUARDING ENDOWMENT GIFTS ACT; PROVIDING DEFINITIONS; PROVIDING PROTECTIONS AFFORDED TO ENDOWMENTS AND GIFTS TO CERTAIN ENTITIES; PROVIDING REQUIREMENTS FOR CERTAIN ENTITIES RELATING TO ENDOWMENTS AND GIFTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE..... 693

177 *(Senate Bill No. 124; K. Bogner)* REVISING ELECTRONIC LICENSE PRIVACY LAW; AND AMENDING SECTION 61-5-310, MCA 694

178 *(Senate Bill No. 113; M. Yakawich)* REVISING MOTOR VEHICLE TOWING AND STORAGE LIEN EXEMPTIONS; SPECIFYING THE TYPES OF FOOD AND CONSUMER GOODS, THE TYPES OF PERSONAL DOCUMENTS, AND THE TYPE OF RECORDS THAT ARE EXEMPT; AND AMENDING SECTION 71-3-1201, MCA..... 695

179 *(Senate Bill No. 101; B. Beard)* REVISING LAWS RELATED TO SQUATTING; CREATING THE OFFENSE OF UNLAWFUL SQUATTING; CREATING THE OFFENSE OF FRAUDULENT SALE OR LEASE OF PROPERTY; PROVIDING A PROCESS FOR REMOVAL OF THE PERSON FROM THE PROPERTY; PROVIDING INDEMNITY FOR GOOD FAITH CONDUCT OF LAW ENFORCEMENT; AND AMENDING SECTION 70-24-113, MCA 696

180 *(Senate Bill No. 10; F. Mandeville)* EXTENDING TIMELINES RELATED TO ONSITE INSPECTION AND RECOMMENDATION OF DENIAL, APPROVAL, OR MODIFICATION OF AN EMERGENCY PROJECT WHEN THE GOVERNOR DECLARES A STATE OF EMERGENCY; REVISING THE NATURAL STREAMBED AND LAND PRESERVATION ACT OF 1975; AMENDING SECTION 75-7-113, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 698

181 *(House Bill No. 308; S. Essmann)* EXTENDING THE DISTRIBUTION OF AND STATUTORY APPROPRIATION FOR METALLIFEROUS MINES LICENSE TAX COLLECTIONS TO COUNTIES; AND AMENDING

SECTION 5, CHAPTER 442, LAWS OF 2009, SECTION 5, CHAPTER 387, LAWS OF 2015, AND SECTION 1, CHAPTER 213, LAWS OF 2017 699

182 *(House Bill No. 279; L. Bennett)* REVISING THE COUNTIES UNDER EACH DISTRICT FOR APPOINTMENTS TO THE BOARD OF PUBLIC EDUCATION, THE BOARD OF REGENTS, THE COAL BOARD, AND THE HARD-ROCK MINING IMPACT BOARD; AND AMENDING SECTION 2-15-156, MCA 699

183 *(House Bill No. 261; B. Close)* PROVIDING FOR PROCEDURAL RULEMAKING AUTHORITY TO THE DEPARTMENT OF LABOR AND INDUSTRY; ESTABLISHING RULEMAKING IN CONTESTED ADMINISTRATIVE CASES; AND AMENDING SECTION 37-1-101, MCA..... 700

184 *(House Bill No. 248; B. Mitchell)* REVISING ELECTION LAWS RELATED TO REGISTRATION CANCELLATION; AMENDING SECTION 13-2-402, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 701

185 *(House Bill No. 244; S. Gist)* REVISING LICENSES ISSUED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FOR DEPLOYED ARMED SERVICE MEMBERS; AND AMENDING SECTION 87-2-817, MCA..... 702

186 *(House Bill No. 234; P. Tuss)* AUTHORIZING REAPPROPRIATIONS FOR PROJECTS; AMENDING SECTION 5, CHAPTER 763, LAWS OF 2023; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE..... 703

187 *(House Bill No. 233; A. Griffith)* PROVIDING FOR THE TRANSFER OF TITLE OF OPEN SPACES IN A RECORDED FINAL PLAT TO A HOMEOWNERS' ASSOCIATION; REQUIRING A PUBLIC HEARING; PROVIDING A DEFINITION; AMENDING SECTIONS 76-3-103, 76-8-101, 76-25-103, AND 76-25-411, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE 704

188 *(House Bill No. 219; L. Schubert)* PERMITTING REIMBURSEMENTS TO ALL INDIVIDUALS FOR RECEIPTS OF COSTS INCURRED RELATED TO THE HUNTING OR TRAPPING OF WOLVES FOR ALL LAWFULLY HARVESTED WOLVES; AND AMENDING SECTION 87-6-214, MCA..... 711

189 *(House Bill No. 189; M. Bertoglio)* REVISING THE REIMBURSEMENT DATE FOR PETROLEUM STORAGE TANK CLEANUP FUNDS; EXTENDING RULEMAKING AUTHORITY; AMENDING SECTIONS 75-11-307 AND 75-11-308, MCA; AND PROVIDING AN EFFECTIVE DATE..... 712

190 *(House Bill No. 186; A. Regier)* INCREASING THE SIZE OF THE BOARD OF PARDONS AND PAROLE; PROVIDING FOR A TRANSITION; AMENDING SECTION 2-15-2305, MCA; AND PROVIDING AN EFFECTIVE DATE 715

191 *(House Bill No. 179; B. Mitchell)* REVISING LAWS RELATED TO INACTIVE VOTER STATUS; CLARIFYING THAT A VOTER ON THE INACTIVE LIST IS NOT MOVED TO THE ACTIVE LIST BY SIGNING A PETITION FOR A STATEWIDE BALLOT ISSUE; AMENDING SECTION 13-2-222, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE..... 716

192 *(House Bill No. 173; N. Duram)* GENERALLY REVISING DEFINITIONS IN THE MONTANA YOUTH COURT ACT; PROVIDING THAT A VICTIM MAY INCLUDE A CORPORATION OR OTHER ENTITY; AMENDING

SECTION 41-5-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 716

193 *(House Bill No. 135; S. Fitzpatrick)* CREATING STATUTES OF REPOSE FOR CLAIMS AGAINST REAL ESTATE APPRAISERS, REAL ESTATE APPRAISAL FIRMS, AND APPRAISAL MANAGEMENT COMPANIES; AND PROVIDING DEFINITIONS 721

194 *(House Bill No. 127; L. Jones)* AMENDING THE FIRE SUPPRESSION ACCOUNT TO REMOVE DATE REFERENCES FOR STATUTORY APPROPRIATIONS; ESTABLISHING REPORTING REQUIREMENTS FOR THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION; AMENDING SECTION 76-13-150, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 721

195 *(House Bill No. 88; M. Bertoglio)* REVISING LAWS RELATED TO THE RETURN OF UNCLAIMED PROPERTY; PROVIDING CONDITIONS FOR WHEN THE DEPARTMENT OF REVENUE MAY AUTOMATICALLY RETURN CERTAIN UNCLAIMED PROPERTY TO ITS OWNER; AMENDING SECTION 70-9-815, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 723

196 *(House Bill No. 58; J. Schillinger)* REVISING THE DISTRIBUTION OF FUNDS FOR THE REMEDIATION OF ABANDONED METAL MINES; REQUIRING A BIENNIAL TRANSFER FOR MAINTENANCE AND WATER TREATMENT AT THE CR KENDALL MINE RECLAMATION SITE; EXTENDING THE STATE CONTRIBUTION FOR CLEANUP, OPERATION, AND MAINTENANCE AT THE LIBBY ASBESTOS SUPERFUND SITE; AMENDING SECTIONS 75-10-704 AND 75-10-743, MCA; AMENDING SECTION 5, CHAPTER 387, LAWS OF 2015; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE 724

197 *(House Bill No. 48; K. Walsh)* REVISING EXEMPTIONS FROM THE DAM SAFETY ACT; PROVIDING THAT DAMS USED FOR PUBLIC SEWAGE AND DISPOSAL SYSTEMS ARE EXEMPT FROM THE DAM SAFETY ACT; AND AMENDING SECTION 85-15-107, MCA 729

198 *(Senate Bill No. 495; G. Hertz)* ELIMINATING THE TOBACCO PREVENTION ADVISORY BOARD; AMENDING SECTION 17-6-606, MCA; REPEALING SECTION 17-6-610, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 729

199 *(Senate Bill No. 488; M. Noland)* GENERALLY REVISING LAWS RELATING TO CONSUMER PROTECTION; PROVIDING THAT UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS OR PRACTICES INCLUDE FALSE, MISLEADING, OR OTHERWISE DECEPTIVE CONSUMER REVIEWS OR TESTIMONIALS IN CONTRADICTION OF FEDERAL LAW; REVISING STATUTES OF LIMITATIONS FOR FILING ACTIONS RELATING TO UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS OR PRACTICES IN THE CONDUCT OF ANY TRADE OR COMMERCE; PROVIDING A STATUTE OF LIMITATIONS FOR THE DEPARTMENT OF JUSTICE TO BRING AN ACTION; CLARIFYING WHAT TIMEFRAME APPLIES TO AN INDIVIDUAL TO BRING AN ACTION; AMENDING SECTIONS 30-14-104, 30-14-111, 30-14-133, AND 30-14-159, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 730

200 *(Senate Bill No. 426; V. Ricci)* GENERALLY REVISING THE UNIFORM COMMERCIAL CODE; UPDATING TERMINOLOGY FOR THE DIGITAL AGE; PROVIDING RULES FOR TRANSACTIONS INVOLVING CERTAIN DIGITAL ASSETS INCLUDING CRYPTOCURRENCY; PROHIBITING CENTRAL BANK DIGITAL CURRENCY; AND AMENDING SECTIONS 30-1-101, 30-1-107, 30-1-201, 30-1-212, 30-1-301, 30-2-102, 30-2-106, 30-2-201, 30-2-202, 30-2-203, 30-2-205, 30-2-209, 30-2A-102, 30-2A-103, 30-2A-107, 30-2A-201, 30-2A-202, 30-2A-203, 30-2A-205, 30-2A-208, 30-3-102, 30-3-104, 30-3-125, 30-3-401, 30-3-605, 30-4A-103, 30-4A-105, 30-4A-201, 30-4A-202, 30-4A-203, 30-4A-207, 30-4A-208, 30-4A-210, 30-4A-211, 30-4A-305, 30-5-124, 30-5-136, 30-7-102, 30-7-107, 30-8-112, 30-8-113, 30-8-116, 30-8-120, 30-8-333, 30-9A-102, 30-9A-104, 30-9A-105, 30-9A-203, 30-9A-204, 30-9A-207, 30-9A-208, 30-9A-209, 30-9A-210, 30-9A-301, 30-9A-304, 30-9A-305, 30-9A-310, 30-9A-312, 30-9A-313, 30-9A-314, 30-9A-316, 30-9A-317, 30-9A-323, 30-9A-324, 30-9A-330, 30-9A-331, 30-9A-332, 30-9A-334, 30-9A-341, 30-9A-404, 30-9A-406, 30-9A-408, 30-9A-509, 30-9A-513, 30-9A-601, 30-9A-605, 30-9A-608, 30-9A-611, 30-9A-613, 30-9A-614, 30-9A-615, 30-9A-616, 30-9A-619, 30-9A-620, 30-9A-621, 30-9A-624, 30-9A-628, AND 71-3-125, MCA 734

201 *(Senate Bill No. 368; S. Vinton)* PROVIDING FOR CORRECTION OF MINOR MAINTENANCE ITEMS AT CERTAIN MINES; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 82-4-251 AND 82-4-254, MCA; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 818

202 *(Senate Bill No. 366; M. Regier)* REVISING THE CENTRAL COMMITTEE COUNTY CONVENTION NOTIFICATION PROCESS; ALLOWING NOTIFICATION OF THE CALL OF THE COUNTY CONVENTION TO BE E-MAILED TO COMMITTEE REPRESENTATIVES; AND AMENDING SECTION 13-38-205, MCA 823

203 *(Senate Bill No. 365; B. Usher)* REVISING CAPACITY REQUIREMENTS FOR SILTATION STRUCTURES AT A STRIP MINE OR UNDERGROUND MINE; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 82-4-231, MCA; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 824

204 *(Senate Bill No. 357; W. Galt)* EXTENDING A DEADLINE FOR PERFECTION OF CERTAIN WATER RESERVATIONS ABOVE FORT PECK DAM; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 85-2-316 AND 85-2-331, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 829

205 *(Senate Bill No. 341; B. Usher)* GENERALLY REVISING LAWS RELATED TO RECREATIONAL VEHICLES; ALLOWING OFF-SITE DISPLAYS AND SALES IN CERTAIN LOCATIONS FOR CERTAIN MOTOR VEHICLES; DEFINING MOTOR VEHICLES; AND AMENDING SECTIONS 61-4-123 AND 61-4-201, MCA 833

206 *(Senate Bill No. 328; D. Zolnikov)* REVISING THE DEADLINE FOR APPEAL OF A COUNTY TAX APPEAL BOARD DECISION TO THE MONTANA TAX APPEAL BOARD; AMENDING SECTION 15-2-301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE 837

207 *(Senate Bill No. 315; J. Esp)* GENERALLY REVISING LAWS RELATED TO THE PETROLEUM TANK RELEASE COMPENSATION BOARD;

ESTABLISHING PROCEDURES FOR REIMBURSEMENT OF PREVENTATIVE MEASURES; PROVIDING A DISCRETIONARY MEETING UPON ON RELEASE; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 75-11-309, 75-11-313, AND 75-11-318, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE 839

208 *(Senate Bill No. 310; B. Usher)* REVISING THE TRAILS AND RECREATIONAL FACILITIES GRANT PROGRAM; ESTABLISHING THE TRAIL STEWARDSHIP GRANT PROGRAM; SPECIFYING APPORTIONMENT OF GRANT FUNDING; EXPANDING PROJECTS AVAILABLE TO RECEIVE FUNDING; ALLOWING FOR ADVANCE PAYMENT OF GRANT FUNDING; AMENDING SECTION 23-2-109, MCA; AND PROVIDING AN EFFECTIVE DATE 844

209 *(Senate Bill No. 309; B. Beard)* ELIMINATING THE SCENIC-HISTORIC BYWAYS ADVISORY COUNCIL; AND AMENDING SECTIONS 60-2-601 AND 60-2-602, MCA 845

210 *(Senate Bill No. 306; K. Bogner)* PROVIDING THAT A COUNTY TREASURER MAY NOT SELL A TAX DEED TO RESIDENTIAL PROPERTY TO A FOREIGN ENTITY; DEFINING FOREIGN ENTITY AND "DOMESTIC ENTITY"; AMENDING SECTIONS 15-17-121 AND 15-18-220, MCA; AND PROVIDING AN EFFECTIVE DATE..... 846

211 *(Senate Bill No. 305; M. Cuffe)* GENERALLY REVISING FUNERAL TRUST LAWS; REQUIRING FUNERAL TRUST FUNDS TO COMPLY WITH THE PRUDENT INVESTOR RULE; AND AMENDING SECTION 37-19-828, MCA 849

212 *(Senate Bill No. 288; D. Loge)* ESTABLISHING EVIDENTIARY SEIZURE GUIDELINES FOR LAW ENFORCEMENT WEAPONS IN OFFICER-INVOLVED SHOOTINGS; AND REQUIRING THE EXPEDITED RETURN OF LAW ENFORCEMENT WEAPONS UNDER CERTAIN CONDITIONS AFTER AN INVESTIGATION IS COMPLETE 850

213 *(Senate Bill No. 275; F. Mandeville)* PROVIDING THAT A GOVERNING BODY MAY REVOKE AN AGRICULTURAL COVENANT AND DIVISION OF THE LAND MAY PROCEED WITHOUT SUBDIVISION REVIEW IF THE LAND IS ANNEXED INTO A MUNICIPALITY; AND AMENDING SECTION 76-3-211, MCA 850

214 *(Senate Bill No. 242; W. McKamey)* REVISING LAWS RELATED TO BALLOT FORM AND UNIFORMITY; AMENDING SECTIONS 13-12-202 AND 13-13-116, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 851

215 *(Senate Bill No. 241; W. Galt)* REVISING ALCOHOL LICENSES TO PROHIBIT THE DEPARTMENT OF REVENUE FROM DENYING A TRANSFER OF AN ALCOHOL LICENSE SOLELY BECAUSE THE SELLER HAS OUTSTANDING TAXES, PENALTIES, OR INTEREST OWED TO THE DEPARTMENT; PROVIDING THAT PROCEEDS FROM THE SALE OF THE ALCOHOL LICENSE MAY GO TO ANY OUTSTANDING LIENS OWED TO THE DEPARTMENT; AMENDING SECTIONS 16-4-404 AND 16-6-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE 852

216 *(Senate Bill No. 228; D. Loge)* REVISING LAWS RELATED TO PUBLIC CHARGING STATIONS FOR ELECTRIC VEHICLES; CLARIFYING PUBLIC CHARGING STATION TAX PROVISIONS; REVISING

ELECTRIC METER REQUIREMENTS; ELIMINATING ELECTRIC VEHICLE FEE REDUCTION; PROVIDING DEFINITIONS; AMENDING SECTIONS 15-70-801, 15-70-802, 15-70-803, 15-70-804, AND 15-70-805, MCA; AND PROVIDING AN EFFECTIVE DATE 854

217 *(Senate Bill No. 184; M. Regier)* REVISING LAWS RELATED TO ELECTIONS FOR PRECINCT COMMITTEE REPRESENTATIVES; PROVIDING THAT ONLY CONTESTED RACES FOR MALE OR FEMALE COMMITTEE REPRESENTATIVES NEED TO BE ON THE PRIMARY BALLOT; AND AMENDING SECTION 13-38-201, MCA 856

218 *(Senate Bill No. 115; W. McKamey)* ADJUSTING THE TIMEFRAME FOR PUBLIC NOTICES RELATED TO ELECTIONS; AMENDING SECTIONS 13-15-105 AND 13-17-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 857

219 *(Senate Bill No. 83; D. Loge)* AUTHORIZING THE FISH AND WILDLIFE COMMISSION TO ADOPT RULES GOVERNING THE PUBLIC USE OF PRIVATE PROPERTY UNDER AN ACTIVE PUBLIC ACCESS AGREEMENT WITH A PRIVATE LANDOWNER; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 87-1-301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 858

220 *(Senate Bill No. 80; J. Kassmier)* AUTHORIZING THAT A PERSON MAY EXHIBIT A DIGITAL COPY OF REQUIRED DOCUMENTATION FOR TRANSPORTATION OF LIVESTOCK; AMENDING SECTION 81-3-211, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 860

221 *(Senate Bill No. 79; J. Kassmier)* REPEALING INSPECTION REQUIREMENTS AND PENALTIES RELATED TO DEAD ANIMALS IN FEEDLOTS; REPEALING SECTIONS 81-3-215 AND 81-3-232, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 863

222 *(Senate Bill No. 78; J. Kassmier)* GENERALLY REVISING LAWS RELATED TO THE INSPECTION AND MARKING OF HIDES AND MEAT OF SLAUGHTERED ANIMALS; ELIMINATING THE REQUIREMENT THAT EACH DRESSED CARCASS OF A SLAUGHTERED ANIMAL MUST BE STAMPED; REVISING BILL OF SALE REQUIREMENTS; AMENDING SECTION 81-9-112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 863

223 *(Senate Bill No. 58; M. Cuffe)* REVISING VOTE COUNT PROCEDURES; REQUIRING AN ELECTION ADMINISTRATOR TO CONDUCT AN INVESTIGATION WHEN THE COUNTING BOARD CANNOT RECONCILE THE TOTAL NUMBER OF BALLOTS PREPARED FOR COUNTING WITH THE RECORD OF BALLOTS ACCEPTED; REQUIRING AN ELECTION ADMINISTRATOR TO REPORT THE INVESTIGATION TO THE BOARD OF COUNTY CANVASSERS; AMENDING SECTION 13-15-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 864

224 *(Senate Bill No. 23; D. Zolnikov)* REVISING RAILROAD REGULATIONS; ALLOWING THE COMMISSION TO SET REPORTING THRESHOLDS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 69-14-252, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 865

225 *(Senate Bill No. 11; F. Mandeville)* GENERALLY REVISING LOCAL GOVERNMENT BALLOT ISSUES; PROVIDING DEFINITIONS; PROVIDING REQUIREMENTS AND PROCEDURES FOR LOCAL GOVERNMENT BALLOT ISSUES; PROVIDING PROCEDURES

FOR SIGNATURE GATHERING AND SIGNATURE VERIFICATION; AMENDING SECTIONS 3-10-101, 3-11-101, 7-1-4130, 7-3-1204, 7-5-131, 7-6-1504, 13-1-201, 13-10-612, 13-27-611, 16-1-205, 16-12-301, AND 16-12-311, MCA; REPEALING SECTIONS 7-5-132, 7-5-133, 7-5-134, AND 7-5-135, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE 866

226 *(House Bill No. 267; B. Mitchell)* REVISING LAWS RELATED TO DRIVING UNDER THE INFLUENCE; CREATING THE CRIME OF AGGRAVATED VEHICULAR HOMICIDE WHILE UNDER THE INFLUENCE; PROVIDING PENALTIES; AND AMENDING SECTIONS 44-15-103, 46-18-201, 61-8-1007, 61-8-1008, AND 61-8-1016, MCA 876

227 *(House Bill No. 337; B. Ler)* GENERALLY REVISING INCOME TAXES; REVISING BRACKETS TO LOWER INCOME TAXES; INCREASING THE AMOUNT OF MONTANA TAXABLE INCOME BEFORE APPLICATION OF A HIGHER RATE OF TAX; REDUCING THE HIGHEST INCOME TAX RATE; INCREASING THE EARNED INCOME TAX CREDIT; AMENDING SECTIONS 15-30-2103 AND 15-30-2318, MCA; AND PROVIDING EFFECTIVE DATES, APPLICABILITY DATES, AND A TERMINATION DATE 887

228 *(House Bill No. 102; J. Sooktis)* GENERALLY REVISING LAWS RELATED TO THE OFFICE OF STATE PUBLIC DEFENDER; CREATING A DISTINCTION BETWEEN CONFLICT AND NONCONFLICT REGIONAL OFFICES; REVISING THE DUTIES OF THE DIRECTOR, THE CONFLICT DEFENDER DIVISION ADMINISTRATOR, THE APPELLATE DEFENDER DIVISION ADMINISTRATOR, AND THE CENTRAL SERVICES DIVISION ADMINISTRATOR; REMOVING THE REQUIREMENT FOR THE DIRECTOR TO ESTABLISH STANDARDS SPECIFIC TO CHILD ABUSE AND NEGLECT MATTERS; REVISING THE RESPONSIBILITIES OF THE CENTRAL SERVICES DIVISION TO INCLUDE REQUIREMENTS FOR MANAGING CONTRACTED SERVICES AND AGENCY TRAINING EFFORTS; PROVIDING REPORTING REQUIREMENTS; REVISING TITLES OF DIVISION PERSONNEL TO INCLUDE REGIONAL PUBLIC DEFENDERS AND MANAGING PUBLIC DEFENDERS; AMENDING SECTIONS 18-4-132, 47-1-104, 47-1-105, 47-1-119, 47-1-125, 47-1-201, 47-1-202, 47-1-215, 47-1-301, AND 47-1-401, MCA; AND REPEALING SECTIONS 47-1-120 AND 47-1-121, MCA 891

229 *(House Bill No. 114; S. Fitzpatrick)* GENERALLY REVISING LAWS RELATING TO CONSUMER PROTECTION; PROHIBITING UNFAIR OR DECEPTIVE ACTS OR PRACTICES RELATING TO UNFAIR FINANCIAL PLANNING PRACTICES; PROVIDING EXCEPTIONS; REVISING UNFAIR CLAIM SETTLEMENT PRACTICES; REVISING INSURANCE LAWS RELATING TO FINANCIAL INSTITUTIONS; REVISING LAWS RELATED TO INSURANCE PRODUCERS AND FINANCIAL PLANNERS, INVESTMENT PLANNERS, FINANCIAL COUNSELORS, OR ANY OTHER SPECIALIST ENGAGED IN THE BUSINESS OF PROVIDING FINANCIAL PLANNING OR SIMILAR ADVICE; PROVIDING DEFINITIONS; AMENDING SECTIONS 33-18-201, 33-18-202, 33-18-203, 33-18-501, AND 33-18-1001, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE 905

230 *(House Bill No. 122; L. Brewster)* REVISING RIGHT-OF-WAY LAWS FOR UTILITY LINES AND FACILITIES TO INCLUDE NATURAL GAS PIPELINES; AND AMENDING SECTION 69-4-101, MCA 910

231 *(House Bill No. 123; K. Zolnikov)* REVISING ALCOHOL LAWS RELATING TO SELF-SERVICE OF BEER AND WINE; PROVIDING RESTRICTIONS FOR SELF-POUR OF BEER AND WINE; ALLOWING SELF-POUR FOR ELECTRONIC DEVICES OR OTHER TECHNOLOGY-BASED DEVICES; PROVIDING EXEMPTIONS TO THE TERM SELF SERVICE; PROVIDING FOR ALCOHOL LICENSEE SUPERVISION OF SELF-POUR; PROVIDING THAT METHODS OF PAYMENT FOR BEER AND WINE USING TECHNOLOGY-BASED DEVICES DO NOT CONSTITUTE GIFT CERTIFICATES; AND AMENDING SECTIONS 16-3-311 AND 30-14-102, MCA 910

232 *(House Bill No. 126; D. Bedey)* REVISING LAWS RELATED TO AGENCY ADMINISTRATIVE RULEMAKING; REVISING LAWS RELATED TO LEGISLATIVE OVERSIGHT OF ADMINISTRATIVE RULES BY PRIMARY SPONSORS; ENCOURAGING ACTIVE PUBLIC INVOLVEMENT DURING RULE HEARINGS; AMENDING SECTIONS 2-3-301, 2-4-302, AND 2-4-305, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE 914

233 *(House Bill No. 130; L. Jones)* REVISING STATE FIRE POLICY REGARDING THE DUTIES OF A STATE OR LOCAL FIRE PROTECTION ENTITY; AUTHORIZING THE STATE TO BILL A FEDERAL FIRE PROTECTION AGENCY FOR STATE OR COUNTY COSTS INCURRED IN FIRE SUPPRESSION; AMENDING SECTION 76-13-115, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 920

234 *(House Bill No. 141; E. Buttrey)* REVISING GAMBLING LAWS TO ALLOW NONPROFIT ORGANIZATIONS, COLLEGES, UNIVERSITIES, AND SCHOOL DISTRICTS TO USE CREDIT CARDS FOR RAFFLES; REVISING THE DESCRIPTION OF CREDIT GAMBLING AND THE DEFINITION OF INTERNET GAMBLING TO ALLOW CERTAIN ENTITIES TO USE CREDIT CARDS FOR RAFFLES; AMENDING SECTIONS 23-5-112, 23-5-157, AND 23-5-413, MCA; AND PROVIDING AN EFFECTIVE DATE 921

235 *(House Bill No. 166; J. Darling)* REMOVING THE TERMINATION DATE FOR THE MONTANA HISTORICAL SOCIETY MEMBERSHIP SPECIAL REVENUE ACCOUNT AND THE MONTANA ORIGINAL GOVERNOR'S MANSION SPECIAL REVENUE ACCOUNT; REPEALING SECTION 6, CHAPTER 423, LAWS OF 2015; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 927

236 *(House Bill No. 180; C. Sprunger)* REVISING SANITATION IN SUBDIVISION LAWS; PROHIBITING A LOCAL BOARD OF HEALTH FROM ADOPTING REGULATIONS THAT WOULD ALLOW FOR A MIXING ZONE THAT ENCROACHES ON ADJACENT PROPERTY; PROVIDING THAT THE SANITATION IN SUBDIVISIONS ACT DOES NOT APPLY TO CERTAIN DRAINFIELD MIXING ZONES; REVISING A DEFINITION; AND AMENDING SECTIONS 50-2-116 AND 76-4-102, MCA 927

237 *(House Bill No. 184; C. Keogh)* GENERALLY REVISING LAWS RELATED TO INDIVIDUALS WHO ARE DEAF OR HARD OF HEARING; MODIFYING LANGUAGE IN MONTANA LAWS THAT MAY DIMINISH

THE DIGNITY OF INDIVIDUALS WHO ARE DEAF OR HARD OF HEARING; AMENDING SECTIONS 2-18-704, 13-1-101, 20-8-102, 20-8-104, 20-8-107, 20-8-116, 33-22-128, 37-16-102, 49-4-501, 49-4-502, 49-4-602, 53-19-401, AND 53-19-402, MCA 931

238 *(House Bill No. 193; J. Darling)* REQUIRING A SIGNATURE FOR VOTER REGISTRATION CANCELLATION; AMENDING SECTION 13-2-402, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 948

239 *(House Bill No. 201; B. Mitchell)* REQUIRING PAID SIGNATURE GATHERERS TO DISCLOSE THEIR STATUS AND TO PROVIDE THEIR STATE OF LEGAL RESIDENCE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 948

240 *(House Bill No. 208; G. Overstreet)* ALLOWING A MUNICIPALITY TO REGULATE UNAUTHORIZED CAMPING ON PUBLIC PROPERTY OR FACILITIES; AND AMENDING SECTION 7-1-4124, MCA 949

241 *(House Bill No. 217; J. Fitzpatrick)* TRANSFERRING THE STATE BUILDING ENERGY CONSERVATION PROGRAM FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO THE ARCHITECTURE AND ENGINEERING DIVISION OF THE DEPARTMENT OF ADMINISTRATION; ALLOWING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO RETAIN CERTAIN FEDERAL FUNDING; AMENDING SECTIONS 90-4-602, 90-4-605, 90-4-607, 90-4-615, 90-4-616, AND 90-4-617, MCA; AND PROVIDING AN EFFECTIVE DATE 950

242 *(House Bill No. 226; C. Sprunger)* ESTABLISHING THE LEGAL EMPLOYMENT AND GOVERNMENT ACCOUNTABILITY LAW; PROVIDING DEFINITIONS; REQUIRING EMPLOYER VERIFICATION OF LEGAL ABILITY TO WORK IN THE UNITED STATES OF ALL EMPLOYEES PRIOR TO COMMENCEMENT OF WORK; AUTHORIZING THE DEPARTMENT OF LABOR AND INDUSTRY TO ENFORCE THE ACT; PROVIDING FOR PENALTIES FOR VIOLATION; ESTABLISHING A STATE SPECIAL REVENUE ACCOUNT FOR PENALTIES; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN EFFECTIVE DATE 954

243 *(House Bill No. 251; D. Bedey)* GENERALLY REVISING PUBLIC CHARTER SCHOOL LAWS; PROVIDING A DEFINITION FOR PUBLIC CHARTER SCHOOL DISTRICT; CLARIFYING THE AUTHORITY OF A PUBLIC CHARTER SCHOOL DISTRICT; REQUIRING THE OFFICE OF PUBLIC INSTRUCTION TO PROVIDE A FISCAL ANALYSIS AS PART OF THE PUBLIC CHARTER SCHOOL APPLICATION PROCESS; REQUIRING THE BOARD OF PUBLIC EDUCATION TO LIMIT THE COST OF NEW PUBLIC CHARTER SCHOOLS AND DISTRICTS AND TO PRIORITIZE THOSE PROPOSALS THAT EMPHASIZE PERSONALIZED AND PROFICIENCY-BASED LEARNING; REMOVING THE AUTHORITY OF THE BOARD OF PUBLIC EDUCATION TO WAIVE STATUTORY REQUIREMENTS IN CHARTER CONTRACTS; AUTHORIZING A PUBLIC CHARTER SCHOOL DISTRICT TO RECEIVE OTHER FORMS OF PUBLIC FUNDING AND DONATIONS UNDER THE INNOVATIVE EDUCATION TAX CREDIT PROGRAM; ESTABLISHING FINANCIAL OBLIGATIONS OF A CHILD'S RESIDENT SCHOOL DISTRICT FOR A PUBLIC CHARTER SCHOOL DISTRICT SERVING A CHILD WITH DISABILITIES; AMENDING SECTIONS 20-6-803, 20-6-805, 20-6-811, AND 20-6-812, MCA; AND PROVIDING AN EFFECTIVE DATE 956

244 *(House Bill No. 266; L. Muszkiewicz)* ANALYZING THE ANNUAL INFLATION-RELATED ADJUSTMENTS TO K-12 BASE AID TO IMPROVE ALIGNMENT WITH THE DEFINITION OF "BASIC SYSTEM OF FREE QUALITY PUBLIC ELEMENTARY AND SECONDARY SCHOOLS" PROVIDED IN SECTION 20-9-309, MCA; ENSURING THAT THE GENERAL FUND FUNDING FORMULA IS SELF-EXECUTING AND INCLUDES A PROCESS FOR ENSURING ACCESS TO INFORMATION REGARDING EDUCATIONALLY RELEVANT AND ACCURATE ANNUAL INFLATIONARY ADJUSTMENTS; ESTABLISHING REPORTING REQUIREMENTS; AMENDING SECTION 20-9-326, MCA; AND PROVIDING AN EFFECTIVE DATE.....964

245 *(House Bill No. 269; E. Tilleman)* ELIMINATING THE ORGANIC COMMODITY ADVISORY COUNCIL; REVISING THE STATE ORGANIC CERTIFICATION PROGRAM; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 80-11-601 AND 80-11-602, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.....965

246 *(House Bill No. 270; K. Zolnikov)* REVISING REMEDY REQUIREMENTS OF THE MONTANA ENVIRONMENTAL POLICY ACT RELATED TO THE ENVIRONMENTAL REVIEW PROCESS; AMENDING SECTIONS 75-1-102, 75-1-201, AND 75-1-208, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.....967

247 *(House Bill No. 276; R. Gregg)* STANDARDIZING SERVICE OF PROCESS FOR PROFESSIONAL LICENSES; PROVIDING FOR ELECTRONIC SERVICE BY CONSENT OF A LICENSEE; PROVIDING FOR A UNIFORM REQUIREMENT FOR CHANGE OF CONTACT INFORMATION; REMOVING DUPLICATIVE AND CONFLICTING PROVISIONS; AMENDING SECTIONS 37-1-309, 37-1-403, 37-4-307, 37-4-406, 37-16-301, AND 37-18-806, AND MCA; AND REPEALING SECTION 37-3-310, MCA.....990

248 *(House Bill No. 285; B. Ler)* GENERALLY REVISING ENVIRONMENTAL LAWS RELATED TO THE POLICY, PURPOSE, INTENT, VENUE, PROCEDURES, AND CONSTITUTIONAL CONSIDERATIONS OF THE MONTANA ENVIRONMENTAL POLICY ACT; ELIMINATING CERTAIN LAWS ON POLICIES, GOALS, CONSTITUTIONAL DETERMINATIONS, AND VENUES OF THE MONTANA ENVIRONMENTAL POLICY ACT; ESTABLISHING THE REVISED POLICY, PURPOSE, AND INTENT OF THE ACT AND THE PURPOSE OF ENVIRONMENTAL ANALYSIS; REAFFIRMING EXISTING LAW THAT THE MONTANA ENVIRONMENTAL POLICY ACT IS PROCEDURAL; PROVIDING THAT A PLAINTIFF HAS THE BURDEN OF ESTABLISHING THE UNCONSTITUTIONALITY OF THE UNDERLYING STATUTE FOR LICENSING OR PERMITTING DECISIONS OR ACTIVITIES UNDER TITLES 75 OR 82; PROVIDING THAT VENUE IN DISTRICT COURT MUST BE IN THE COUNTY WHERE THE ACTIVITY SUBJECT TO THE PROCEEDING IS PROPOSED TO OCCUR OR WILL OCCUR; AMENDING SECTIONS 5-16-102, 75-1-102, 75-1-104, 75-1-106, 75-1-201, 75-1-208, AND 75-1-324, MCA; REPEALING SECTIONS 75-1-103, 75-1-105, 75-1-107, AND 75-1-108, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.....992

249 *(House Bill No. 291; G. Oblander)* LIMITING THE ABILITY OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND LOCAL AIR POLLUTION CONTROL PROGRAMS TO ADOPT AIR QUALITY STANDARDS MORE STRINGENT THAN FEDERAL REQUIREMENTS;

REVISING THE CLEAN AIR ACT OF MONTANA; AMENDING SECTIONS 75-2-111, 75-2-203, 75-2-207, AND 75-2-301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.....1009

250 *(House Bill No. 292; T. Millett)* ESTABLISHING THE UNIFORM PUBLIC EXPRESSION PROTECTION ACT; PROVIDING PROTECTIONS FOR CERTAIN ACTIONS INVOLVING FREEDOM OF SPEECH AND FREEDOM OF ASSEMBLY; PROVIDING FOR EXPEDITED RELIEF; PROVIDING FOR AN AWARD OF ATTORNEY FEES; PROVIDING DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.....1014

251 *(House Bill No. 293; T. Millett)* REVISING ELECTION ADMINISTRATOR LAWS; REQUIRING APPOINTED ELECTION ADMINISTRATORS TO REPORT TO THE COUNTY GOVERNING BODY; AMENDING SECTION 13-1-301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.....1016

252 *(House Bill No. 296; R. Marshall)* GENERALLY REVISING LAWS RELATED TO PROFESSIONAL AND OCCUPATIONAL LICENSING; REVISING LAWS RELATED TO LICENSING INJUNCTIONS AND PENALTIES; REMOVING REDUNDANT PROVISIONS; AMENDING CONFLICTING PROVISIONS; AMENDING SECTIONS 37-1-136, 37-10-301, 37-11-301, 37-26-401, AND 37-54-201, MCA; AND REPEALING SECTIONS 37-1-411 AND 37-1-412, MCA.....1017

253 *(House Bill No. 307; B. Barker)* REVISING LAWS RELATED TO THE DONATION OF HUNTING LICENSES TO DISABLED VETERANS OR DISABLED MEMBERS OF THE ARMED FORCES; ALLOWING THE DONATION TO BE DESIGNATED TO CERTAIN ORGANIZATIONS; RESTRICTING ELIGIBILITY FOR A DONATED LICENSE; AND AMENDING SECTION 87-2-815, MCA.....1020

254 *(House Bill No. 311; K. Kortum)* REQUIRING THE REFUND OF RESIDENTIAL RENTAL APPLICATION FEES; ALLOWING CERTAIN COSTS TO BE DEDUCTED; PROVIDING FOR A CIVIL ACTION IF AN APPLICATION FEE IS WRONGFULLY WITHHELD; AND PROVIDING AN APPLICABILITY DATE.....1021

255 *(House Bill No. 312; J. Hinkle)* REVISING SPEED LIMIT LAWS; INCREASING DAYTIME AND NIGHTTIME SPEED LIMITS ON NATIONAL HIGHWAYS THAT HAVE BEEN EXPANDED TO FOUR LANES; PROVIDING AN EXCEPTION FOR SPECIAL SPEED ZONES; AND AMENDING SECTIONS 61-8-303 AND 61-8-725, MCA.....1022

256 *(House Bill No. 318; L. Brewster)* REQUIRING AN APPEAL PROCESS FROM CERTAIN REQUIREMENTS FOR A SEWAGE DISPOSAL SYSTEM; AND AMENDING SECTION 50-2-116, MCA.....1024

257 *(House Bill No. 324; S. Fitzpatrick)* REVISING VOLUNTARY PAYMENTS LAWS TO INCLUDE ALL CLAIMS; REVISING LEGISLATIVE POLICY FOR VOLUNTARY PAYMENTS TO INCLUDE ALL CLAIMS; PROVIDING THAT CERTAIN BAD FAITH INSURANCE ACTIONS DO NOT APPLY TO VOLUNTARY PAYMENTS; AMENDING SECTIONS 26-1-701, 26-1-703, AND 26-1-706, MCA; AND PROVIDING AN APPLICABILITY DATE.....1029

258 *(House Bill No. 325; S. Fitzpatrick)* REVISING COVENANT LAWS; AND AMENDING SECTION 70-17-210, MCA.....1030

259 *(House Bill No. 328; C. Hinkle)* REVISING HUNTING LICENSES FOR RESIDENTS OVER 75 YEARS OF AGE; ALLOWING RESIDENTS OVER

75 YEARS OF AGE TO HARVEST ANTLERLESS ELK USING GENERAL ELK LICENSES ON PRIVATE LANDS IN CERTAIN DISTRICTS; AND AMENDING SECTION 87-2-801, MCA 1031

260 *(House Bill No. 330; J. Hinkle)* REVISING LAWS RELATED TO AUCTION AND LOTTERY LICENSES; CREATING AUCTION OR LOTTERY LICENSES FOR ANTELOPE AND SWANS; DESIGNATING PROCEEDS FROM LICENSE SALES; AND PROVIDING RULEMAKING AUTHORITY 1032

261 *(House Bill No. 333; C. Sprunger)* PROVIDING FOR LOCAL LAW ENFORCEMENT SERVICE REGULATIONS FOR CITIES AND TOWNS; PROVIDING LOCAL LAW ENFORCEMENT SERVICE FEE GUIDELINES; SUPERSEDING THE UNFUNDED MANDATE LAWS; PROVIDING A DEFINITION; AND AMENDING SECTION 7-32-4101, MCA 1032

262 *(House Bill No. 336; C. Schomer)* PROVIDING FOR APPRENTICESHIP PROGRAMS FOR CERTAIN PROFESSIONAL LICENSE TYPES; REQUIRING A BOARD OR PROGRAM TO GRANT A LICENSE TO AN APPLICANT WHO COMPLETES A NATIONALLY RECOGNIZED APPRENTICESHIP; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING LICENSE TYPES ALLOWED IN THE FEDERAL APPRENTICESHIP PROGRAM 1033

263 *(House Bill No. 342; B. Mercer)* REVISING LAWS RELATING TO MEDICAL MALPRACTICE AND HEALTH CARE PROVIDERS RELATING TO THE DUTY OF CARE; PROVIDING THAT A SPECIFIC RISK DOES NOT CHANGE OR HEIGHTEN THE DUTY BEYOND THE REASONABLE STANDARD OF CARE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE 1035

264 *(House Bill No. 344; B. Mitchell)* CREATING AN ADDITIONAL TYPE OF DRIVING UNDER THE INFLUENCE OFFENSE REGARDING NONCOMMERCIAL OR COMMERCIAL DRIVERS WHO HAVE A CERTAIN AMOUNT OF PROHIBITED SUBSTANCES OTHER THAN ALCOHOL OR MARIJUANA IN THEIR BLOOD; AND AMENDING SECTIONS 23-2-535, 61-2-302, 61-5-212, 61-5-231, 61-8-805, 61-8-1001, 61-8-1002, 61-8-1007, 61-8-1008, 61-8-1009, AND 61-8-1011, MCA 1035

265 *(House Bill No. 352; C. Schomer)* GENERALLY REVISING LAWS RELATED TO THE MONTANA CHILD SUPPORT GUIDELINES; ESTABLISHING THE GUIDELINES REVIEW COMMITTEE AND ASSOCIATED DUTIES OF THE COMMITTEE; AND AMENDING SECTION 40-5-209, MCA 1048

266 *(House Bill No. 367; E. Buttrey)* REVISING WORKERS' COMPENSATION LAWS RELATING TO TRANSPORTATION; PROVIDING THAT WHETHER AN EMPLOYER FURNISHES TRANSPORTATION OR THE EMPLOYEE RECEIVES CERTAIN REIMBURSEMENT FROM THE EMPLOYER IS NOT DISPOSITIVE OF WHETHER THE EMPLOYEE IS COVERED FOR WORKERS' COMPENSATION INSURANCE; AMENDING SECTION 39-71-407, MCA; AND PROVIDING AN APPLICABILITY DATE 1049

267 *(House Bill No. 380; M. Thiel)* REVISING THE DATE FOR THE MEETING OF PRESIDENTIAL ELECTORS TO ALIGN WITH THE FEDERAL ELECTORAL COUNT ACT; AMENDING SECTION 13-25-307, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1055

268 *(House Bill No. 387; D. Baum)* AMENDING THE DOCUMENTS NEEDED TO BE FILED FOR A RECONSTRUCTED OR NEW HIGHWAY; AMENDING SECTIONS 60-2-209 AND 60-4-108, MCA; AND PROVIDING AN EFFECTIVE DATE 1055

269 *(House Bill No. 388; A. Regier)* PROHIBITING TARGETING PREGNANCY CENTERS FOR REGULATION OR OVERSIGHT BECAUSE PREGNANCY CENTERS DO NOT PERFORM, REFER, OR COUNSEL IN FAVOR OF ABORTION OR CONTRACEPTION; PROVIDING DEFINITIONS; PROVIDING REMEDIES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1056

270 *(House Bill No. 391; C. Schomer)* REVISING ALCOHOL LAWS TO PROVIDE THAT A LICENSEE MAY COMPENSATE A CONCESSIONAIRE BASED ON A PERCENTAGE OF GROSS OR NET ALCOHOLIC BEVERAGE SALES; AND AMENDING SECTION 16-4-418, MCA 1063

271 *(House Bill No. 393; B. Barker)* REQUIRING TOWNS TO RECORD THEIR PUBLIC MEETINGS IN AUDIO FORMAT AND MAKE THE RECORDS AVAILABLE ONLINE WITHIN 14 DAYS; AND AMENDING SECTION 2-3-214, MCA 1064

272 *(House Bill No. 394; L. Brewster)* REVISING LOCAL GOVERNMENT LAWS; REVISING MUNICIPAL PUBLIC NOTICE AND PUBLIC HEARING REQUIREMENTS; REVISING THE PERIOD OF TIME THAT CERTAIN NOTICES MUST BE POSTED; ALIGNING VARIOUS MUNICIPAL NOTICES WITH APPLICABLE TIME PERIODS; AMENDING THE DATE WHEN CERTAIN RESOLUTIONS MUST BE ADOPTED BY A COUNTY OR MUNICIPALITY; AMENDING THE DEADLINES FOR CERTAIN PUBLIC HEARINGS; AND AMENDING SECTIONS 7-1-4127, 7-12-4179, 7-12-4329, 7-12-4425, 7-12-4426, 15-6-221, 69-7-111, 76-1-602, 76-2-303, 76-2-306, 76-3-503, 76-3-605, 76-3-623, 76-8-107, AND 76-25-307, MCA 1066

273 *(House Bill No. 397; K. Sullivan)* GENERALLY REVISING LAWS RELATED TO PRIVACY IN MENTAL HEALTH DIGITAL SERVICE; ESTABLISHING CONFIDENTIALITY STANDARDS FOR MENTAL HEALTH DIGITAL SERVICE; PROVIDING FOR REMEDIES FOR NONCOMPLIANCE; AND PROVIDING A DEFINITION 1074

274 *(House Bill No. 398; J. Karlen)* GENERALLY REVISING UTILIZATION REVIEW LAWS; ESTABLISHING REQUIREMENTS FOR INDIVIDUALS MAKING OR REVIEWING ADVERSE DETERMINATIONS; PROVIDING FOR QUALIFICATIONS OF INDIVIDUALS MAKING OR REVIEWING ADVERSE DETERMINATIONS; REVISING A DEFINITION; AMENDING SECTIONS 33-32-102 AND 33-32-107, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE 1075

275 *(House Bill No. 400; B. Mitchell)* ESTABLISHING THE FREE TO SPEAK ACT; PROHIBITING PUBLIC SCHOOLS OR THE STATE FROM IMPOSING DISCIPLINARY OR OTHER ADVERSE ACTIONS ON A STUDENT OR EMPLOYEE WHO REFUSES TO USE CERTAIN SPEECH; PROVIDING A CAUSE OF ACTION FOR VIOLATIONS OF THE FREE TO SPEAK ACT; PROVIDING DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1080

276 *(House Bill No. 401; B. Mitchell)* PROHIBITING THE MANUFACTURE FOR SALE, SALE, HOLDING OR OFFERING FOR SALE, OR DISTRIBUTION OF CELL-CULTURED EDIBLE PRODUCT; PROVIDING PENALTIES;

PROVIDING RULEMAKING AUTHORITY; PROVIDING DEFINITIONS; AND AMENDING SECTIONS 50-31-103, 50-31-203, 50-31-501, AND 81-9-217, MCA 1081

277 *(House Bill No. 403; D. Hawk)* REQUIRING THE MONTANA STATE HOSPITAL TO GRANT ACCESS TO A LEGISLATOR..... 1091

278 *(House Bill No. 413; J. Gillette)* REVISING ELECTION LAWS RELATED TO RESIDENCY FOR TEMPORARY RESIDENTS; AMENDING SECTION 13-1-112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE..... 1092

279 *(House Bill No. 414; J. Etchart)* GENERALLY REVISING LAWS RELATED TO PROFESSIONAL LICENSING APPLICATIONS; REVISING LICENSING STATUTES FOR PROVISIONAL AND TEMPORARY LICENSES; CREATING STANDARDIZED PROCEDURES FOR PROVISIONAL LICENSES FOR ALL BOARDS AND PROGRAMS; UPDATING TERMINOLOGY FOR CLARITY AND REMOVING REDUNDANCIES; PROVIDING FOR REVIEW OF NONROUTINE OCCUPATIONAL LICENSING APPLICATIONS BY SCREENING PANELS OF LICENSING BOARDS; REMOVING DUPLICATIVE REFERENCES; AMENDING SECTIONS 37-1-131, 37-1-307, 37-1-319, 37-3-201, 37-4-201, 37-8-409, 37-8-421, 37-11-310, 37-14-102, 37-14-301, 37-14-305, 37-14-306, 37-14-307, 37-15-103, 37-17-302, 37-18-603, 37-19-402, 37-19-703, 37-27-105, 37-27-201, 37-27-203, 37-28-104, 37-31-302, 37-31-305, 37-31-312, 37-36-201, 37-40-203, 37-40-302, 37-49-202, 37-51-324, 37-54-212, 37-56-106, 37-60-303, 37-68-311, 37-69-306, AND 37-73-203, MCA; REPEALING SECTIONS 37-1-305, 37-4-341, 37-27-205, 37-73-208, AND 37-73-216, MCA..... 1093

280 *(House Bill No. 415; A. Regier)* REVISING WHO A JUDGE MAY ADMIT TO BAIL; LIMITING A JUDGE'S ABILITY TO PROVIDE BAIL TO A DEFENDANT ON A WARRANT FROM ANOTHER JURISDICTION; AND AMENDING SECTION 46-9-201, MCA..... 1112

281 *(House Bill No. 423; K. Love)* REVISING ELECTION LAWS RELATED TO THE MAINTENANCE OF VOTER REGISTRATION LISTS; AMENDING SECTION 13-2-220, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1112

282 *(House Bill No. 428; M. Thiel)* GENERALLY REVISING WORKERS' COMPENSATION LAWS; REVISING THE DEFINITION OF EMPLOYER FOR WORKERS' COMPENSATION COVERAGE; REVISING THE FREQUENCY OF SUMMARY REPORTS SUBMITTED BY INSURERS; REVISING PROVISIONS FOR MEDICAL STATUS FORMS; AND AMENDING SECTIONS 39-71-117, 39-71-201, 39-71-306, AND 39-71-1036, MCA..... 1114

283 *(House Bill No. 430; B. Mitchell)* REPEALING THE PROCESS TO ESTABLISH COUNTY-OWNED SCALES; AND REPEALING SECTIONS 7-21-3101, 7-21-3102, 7-21-3103, 7-21-3104, 7-21-3105, 7-21-3106, 7-21-3107, AND 7-21-3108, MCA..... 1119

284 *(House Bill No. 435; J. Etchart)* REVISING LAWS RELATED TO PROFESSIONAL LICENSE DISCIPLINE; STANDARDIZING MISCONDUCT, SANCTIONS, AND REINSTATEMENT PROVISIONS FOR PROFESSIONAL LICENSES; PROVIDING STANDARDS FOR LICENSEES AND LICENSE APPLICANTS TO REPORT MISCONDUCT; PROVIDING STANDARDS FOR IMMUNITY FROM LIABILITY; REORGANIZING PROVISIONS FOR REPORTS OF LICENSEE

MISCONDUCT TO THE BOARD OF MEDICAL EXAMINERS AND THE BOARD OF DENTISTRY; STANDARDIZING UNPROFESSIONAL CONDUCT PROVISIONS FOR ALL BOARDS AND PROGRAMS; ADDING STANDARD FORMS OF MISCONDUCT APPLICABLE TO ALL BOARDS AND PROGRAMS; STANDARDIZING TERMS RELATED TO SANCTIONS FOR BOARDS AND PROGRAMS; REORGANIZING SANCTIONS FOR BOARDS AND PROGRAMS; CLARIFYING THE MAXIMUM AMOUNT OF TIME A BOARD OR PROGRAM MAY ORDER A PROBATIONARY LICENSE THROUGH A SANCTION; REPEALING UNNECESSARY PROVISIONS RELATED TO SANCTIONS FOR BOARDS AND PROGRAMS; STANDARDIZING REINSTATEMENT PROCESSES FOR LICENSING BOARDS AND PROGRAMS; CLARIFYING THAT THE PROCESS OF REINSTATEMENT ONLY APPLIES TO REVOKED LICENSES; REVISING RULEMAKING AUTHORITY; REPEALING DUPLICATIVE PROVISIONS; AMENDING SECTIONS 28-10-103, 37-1-312, 37-1-314, 37-1-316, 37-1-321, 37-1-406, 37-1-408, 37-1-410, 37-3-104, 37-3-404, 37-3-405, AND 37-4-313, MCA; AND REPEALING SECTIONS 37-1-105, 37-3-324, 37-3-401, 37-4-312, 37-4-314, 37-11-320, 37-12-323, AND 37-17-314, MCA.....1119

285 *(House Bill No. 438; E. Buttrey)* ESTABLISHING A BOARD OF PHYSICAL, REHABILITATIVE, AND DEVELOPMENTAL HEALTH CARE PROFESSIONALS; GENERALLY REVISING PROFESSIONAL AND OCCUPATIONAL LICENSING PROVISIONS AND TRANSFERRING AUTHORITY FOR ATHLETIC TRAINERS, OCCUPATIONAL THERAPY PRACTITIONERS, PHYSICAL THERAPY EXAMINERS, AND SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS TO THE BOARD OF PHYSICAL, REHABILITATIVE, AND DEVELOPMENTAL HEALTH CARE PROFESSIONALS; PROVIDING DEFINITIONS; PROVIDING FOR STANDARD ORGANIZATIONAL DUTIES FOR THE BOARD; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 37-11-101, 37-15-102, 37-24-103, 37-36-101, AND 37-36-201, MCA; REPEALING SECTIONS 2-15-1739, 2-15-1748, 2-15-1749, 2-15-1771, 37-11-201, 37-11-203, 37-11-307, 37-15-201, 37-15-202, 37-15-203, 37-24-102, 37-24-201, 37-24-202, 37-24-203, 37-24-310, 37-36-102, AND 37-36-202, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE 1128

286 *(House Bill No. 442; V. Moore)* REVISING REPORTING REQUIREMENTS FOR CERTAIN PROFESSIONAL OCCUPATIONS; ELIMINATING THE REQUIREMENT FOR THE MEDICAL LEGAL PANEL TO SEND A LICENSING BOARD THE OUTCOME OF A DECISION; ELIMINATING THE REQUIREMENT FOR THE CHIROPRACTIC LEGAL PANEL TO SEND THE LICENSING BOARD THE OUTCOME OF A DECISION; REMOVING THE REQUIREMENT FOR AN INSURER TO REPORT TO THE BOARD OF MEDICAL EXAMINERS FOR ALLEGED PROFESSIONAL NEGLIGENCE; AMENDING SECTIONS 27-6-605, 27-12-605, 37-3-404, AND 37-3-405, MCA; AND REPEALING SECTION 37-3-402, MCA 1135

287 *(House Bill No. 443; B. Mitchell)* REVISING LAWS RELATED TO COUNTY REGULATION OF TRANSIENT RETAIL MERCHANTS; PROVIDING AUTHORITY FOR COUNTY REGULATION OF TRANSIENT RETAIL MERCHANTS; REPEALING LAWS RELATED TO COUNTY LICENSING OF TRANSIENT RETAIL MERCHANTS; AND REPEALING SECTIONS 7-21-2404, 7-21-2405, 7-21-2406, 7-21-2407, 7-21-2408, 7-21-2409, 7-21-2410, AND 7-21-2411, MCA.....1136

288 *(House Bill No. 447; E. Buttrey)* ENACTING THE RESPIRATORY CARE INTERSTATE COMPACT; PROVIDING FOR CRIMINAL BACKGROUND CHECKS OF RESPIRATORY CARE LICENSE APPLICANTS; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING A CONTINGENT EFFECTIVE DATE 1136

289 *(House Bill No. 448; J. Weber)* ESTABLISHING THE JIM LOUD THUNDER GOPHER MEMORIAL HIGHWAY IN CASCADE COUNTY; DIRECTING THE DEPARTMENT OF TRANSPORTATION TO INSTALL SIGNS AND TO INCLUDE THE MEMORIAL HIGHWAY ON THE NEXT PUBLICATION OF THE STATE MAP; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1152

290 *(House Bill No. 449; D. Bedey)* ELIMINATING STATUTORY REFERENCE TO THE ADULT BASIC EDUCATION FUND AND ITS DISTRIBUTION; REPEALING SECTION 20-7-712, MCA; AND PROVIDING AN EFFECTIVE DATE 1153

291 *(House Bill No. 450; E. Albus)* REVISING LAWS RELATED TO CLASS D-5 LICENSES FOR TRAINING BIRD HUNTING DOGS; REQUIRING AN APPLICANT FOR A CLASS D-5 LICENSE TO REPORT THE NUMBER OF DOGS THAT WILL BE TRAINED; ALLOWING THE FISH AND WILDLIFE COMMISSION TO REGULATE THE NUMBER OF CLASS D-5 LICENSES; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 87-3-602 AND 87-3-604, MCA 1153

292 *(House Bill No. 454; M. Thiel)* REVISING THE FREQUENCY OF PATIENT VISITS REQUIRED BY A LICENSED PHYSICAL THERAPIST WHEN SUPERVISING A PHYSICAL THERAPY ASSISTANT; AMENDING SECTION 37-11-105, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1154

293 *(House Bill No. 455; J. Darling)* UPDATING THE COMMISSIONER OF POLITICAL PRACTICES DEADLINE TO CERTIFY POLITICAL CANDIDATES FOR MUNICIPAL RACES; AMENDING SECTION 13-37-126, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE 1155

294 *(House Bill No. 458; J. Etchart)* GENERALLY REVISING LAWS RELATED TO PHYSICIAN ASSISTANTS; INCLUDING "PHYSICIAN ASSISTANT" IN THE DEFINITION OF "HEALTH CARE PROVIDER"; AMENDING SECTION 25-9-411, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1156

295 *(House Bill No. 463; S. Fitzpatrick)* ALLOWING A LIMITED LIABILITY COMPANY TO CONVERT TO A CORPORATION OR A LIMITED LIABILITY PARTNERSHIP; PROVIDING REQUIREMENTS FOR A CONVERSION; REQUIRING ALL MEMBERS TO AGREE TO THE CONVERSION; PROVIDING REQUIREMENTS FOR DOCUMENTS THAT MUST BE SUBMITTED IN WRITING; PROVIDING FOR THE EFFECTIVE DATE OF A THE LIMITED LIABILITY COMPANY CONVERSION; PROVIDING DEFINITIONS; AND AMENDING SECTION 35-8-1205, MCA 1158

296 *(House Bill No. 464; S. Fitzpatrick)* REVISING INSURANCE LAWS RELATING TO INTEREST OF A NAMED INSURED AND CHANGE OF INTEREST BY TRANSFER ON DEATH; PROVIDING THAT INTEREST IN PROPERTY BY A TRANSFER ON DEATH DEED ON THE DEATH OF AN INSURED DOES NOT AVOID AN INSURANCE OF REAL

PROPERTY; AMENDING SECTIONS 33-15-206 AND 72-6-412, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1162

297 *(House Bill No. 466; J. Fitzpatrick)* PROVIDING FOR CATEGORICAL EXCLUSIONS IN THE MONTANA ENVIRONMENTAL POLICY ACT; PROVIDING AN EXEMPTION TO THE DEPARTMENT OF ADMINISTRATION FOR CONSTRUCTION AND MAINTENANCE ON STATE LAND; PROVIDING AN EXEMPTION TO THE DEPARTMENT OF COMMERCE FOR HISTORIC PRESERVATION GRANTS; AMENDING SECTION 75-1-220, MCA; AND PROVIDING AN EFFECTIVE DATE 1163

298 *(House Bill No. 467; S. Kelly)* GENERALLY REVISING DUI LAWS; INCLUDING THE USE OF ORAL FLUID FOR DUI TESTING; AND AMENDING SECTIONS 61-8-806, 61-8-1001, 61-8-1002, AND 61-8-1016, MCA 1166

299 *(House Bill No. 468; S. Kelly)* GENERALLY REVISING LAWS RELATED TO WATERCRAFT; REMOVING THE VALIDATION DECAL REQUIREMENT FOR WATERCRAFT; REVISING LAWS RELATED TO BOATING ACCIDENT REPORTING, PERSONAL FLOTATION DEVICES, AND RIGHT-OF-WAY; ELIMINATING THE BOATING ADVISORY COUNCIL; AMENDING SECTIONS 23-2-502, 23-2-511, 23-2-512, 23-2-524, 23-2-525, 23-2-527, 23-2-531, AND 23-2-533, MCA; REPEALING SECTION 23-2-536, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1171

300 *(House Bill No. 471; J. Hinkle)* REVISING SCHOOL LAWS RELATED TO HUMAN SEXUALITY AND IDENTITY INSTRUCTION TO INCREASE THE TRANSPARENCY OF CURRICULUM AND STRENGTHEN THE RIGHTS OF PARENTS TO CONTROL THEIR CHILD'S INSTRUCTION BY REQUIRING PARENT OR GUARDIAN PERMISSION FOR A CHILD TO RECEIVE IDENTITY INSTRUCTION; REVISING REQUIREMENTS FOR SCHOOLS TO PROVIDE NOTICE TO PARENTS AND GUARDIANS PRIOR TO THE PROVISION OF HUMAN SEXUALITY INSTRUCTION; PROVIDING AND REVISING DEFINITIONS; REQUIRING TRUSTEES TO REPORT VIOLATIONS TO THE BOARD OF PUBLIC EDUCATION; AMENDING SECTION 20-7-120, MCA; AND PROVIDING AN EFFECTIVE DATE 1177

301 *(House Bill No. 473; J. Gillette)* ALLOWING MEDICARE FEE SCHEDULES ISSUED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES TO BE ADOPTED BY RULE BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; PROVIDING FOR ADOPTION OF MEDICARE FEE SCHEDULES ISSUED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES; PROVIDING FOR AUTOMATIC INCORPORATION OF UPDATED MEDICARE FEE SCHEDULES; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 2-4-302, 2-4-305, 2-4-306, 2-4-307, AND 53-6-113, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1179

302 *(House Bill No. 474; J. Gillette)* REVISING THE DATE FOR THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO PROVIDE ANNUAL FUNDING FOR INCREASES IN SUPPLEMENTAL MEDICAID PAYMENTS TO HOSPITALS; AMENDING SECTION 53-6-149, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1189

303 *(House Bill No. 475; J. Reavis)* RESTRICTING THE USE OF RESTRAINTS ON PREGNANT INMATES; PROVIDING THAT RESTRAINTS MAY NOT BE USED ON A PREGNANT INMATE DURING LABOR AND DELIVERY

EXCEPT IN EXTRAORDINARY CIRCUMSTANCES; AND PROVIDING A DEFINITION 1190

304 *(House Bill No. 476; R. Gregg)* ESTABLISHING A GRANT PROGRAM FOR THE INSTALLATION AND MAINTENANCE OF NEWBORN SAFETY DEVICES; PROVIDING AN APPROPRIATION; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE..... 1190

305 *(House Bill No. 486; N. Duram)* REVISING LAWS RELATED TO COMPENSATION FOR DEPUTY SHERIFFS; INCREASING THE PERCENTAGE OF THE SHERIFF'S SALARY THAT IS USED TO CALCULATE THE SALARY FOR DEPUTY SHERIFFS; AND AMENDING SECTION 7-4-2508, MCA 1191

306 *(House Bill No. 487; J. Darling)* REVISING LAWS RELATED TO THE DEPARTMENT OF TRANSPORTATION; ELIMINATING THE REQUIREMENT THAT THE DEPARTMENT HAVE CERTAIN DIVISIONS; AND AMENDING SECTION 2-15-2501, MCA 1192

307 *(House Bill No. 491; K. Zolnikov)* GENERALLY REVISING LAWS RELATING TO CONTINUING CARE RETIREMENT COMMUNITY LICENSES; PROVIDING FOR DELIVERY OF ALCOHOL; PROVIDING FOR MULTIPLE CAMPUSES; PROVIDING FOR VARIOUS BUILDINGS OR STRUCTURES AT THE CONTINUING CARE RETIREMENT COMMUNITY; PROVIDING DEFINITIONS; AMENDING SECTIONS 16-3-302, 16-4-315, AND 16-4-1005, MCA; AND PROVIDING AN EFFECTIVE DATE 1192

308 *(House Bill No. 493; S. Kelly)* ESTABLISHING THE CRIME OF POSSESSION OF A STOLEN FIREARM; PROVIDING A PENALTY; AND AMENDING SECTION 45-8-405, MCA..... 1196

309 *(House Bill No. 496; E. Buttrey)* AMENDING LAWS RELATED TO THE RETROCESSION OF JURISDICTION OVER FEDERAL LANDS; PROVIDING FOR ACCEPTANCE OF JURISDICTION OVER FEDERAL LANDS USED FOR MILITARY PURPOSES; AND AMENDING SECTIONS 2-1-215 AND 2-1-216, MCA..... 1197

310 *(House Bill No. 502; G. Oblander)* ESTABLISHING A BOARD OF ALLIED HEALTH CARE PROFESSIONALS; GENERALLY REVISING PROFESSIONAL AND OCCUPATIONAL LICENSING PROVISIONS AND TRANSFERRING AUTHORITY FOR CLINICAL LABORATORY SCIENCE PRACTITIONERS, RADIOLOGIC TECHNOLOGISTS, AND RESPIRATORY CARE PRACTITIONERS TO THE BOARD OF ALLIED HEALTH CARE PROFESSIONALS; PROVIDING FOR STANDARD ORGANIZATIONAL DUTIES FOR THE BOARD; PROVIDING RULEMAKING AUTHORITY; PROVIDING DEFINITIONS; AMENDING SECTIONS 37-14-102, 37-14-305, 37-14-322, 37-28-102, 37-28-202, 37-34-103, AND 37-34-305, MCA; REPEALING SECTIONS 2-15-1738, 2-15-1750, 2-15-1753, 37-14-101, 37-14-201, 37-14-202, 37-14-307, 37-14-308, 37-14-311, 37-28-101, 37-28-103, 37-28-104, 37-28-305, 37-34-102, AND 37-34-201, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE 1198

311 *(House Bill No. 503; D. Baum)* REVISING LAWS REGARDING FLEEING FROM OR ELUDING A PEACE OFFICER; CLASSIFYING MISDEMEANOR AND FELONY CONVICTIONS; PROVIDING PENALTIES; REORGANIZING PROVISIONS TO CONFORM TO THE

PATTERN IN TITLE 61, CHAPTER 8; AND AMENDING SECTION 61-8-316, MCA 1203

312 *(House Bill No. 504; E. Tilleman)* EXPANDING LIVESTOCK ELIGIBILITY UNDER THE LIVESTOCK LOSS MITIGATION PROGRAM TO INCLUDE DOMESTIC BISON; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 2-15-3112, MCA; AND PROVIDING AN EFFECTIVE DATE 1204

313 *(House Bill No. 509; D. Powers)* GENERALLY REVISING THE QUALITY EDUCATOR LOAN ASSISTANCE PROGRAM; EXPANDING ELIGIBILITY FOR THE PROGRAM TO INCLUDE ALL NEWLY HIRED QUALITY EDUCATORS IN MONTANA PUBLIC SCHOOLS; PROVIDING THAT NEWLY HIRED QUALITY EDUCATORS IN IMPACTED SCHOOLS HAVE PRIORITY FOR RECEIVING LOAN ASSISTANCE PAYMENTS; PROVIDING A PROCESS TO PRORATE LOAN ASSISTANCE PAYMENTS IF THE APPROPRIATION IS INSUFFICIENT TO FULLY FUND THE LOAN ASSISTANCE PAYMENT FOR ALL ELIGIBLE QUALITY EDUCATORS; AMENDING SECTIONS 20-4-503, 20-4-504, AND 20-4-505, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE 1206

314 *(House Bill No. 520; L. Brewster)* CLARIFYING THAT PROHIBITIONS ON CONVEYING FAMILY TRANSFER PARCELS DO NOT APPLY TO CONVEYANCES INVOLVING LENDERS; AND AMENDING SECTION 76-3-207, MCA 1208

315 *(House Bill No. 521; C. Schomer)* PROVIDING THAT A PERSON CONVICTED OF A CRIME WHO IS INJURED DURING THE COMMISSION OF THE CRIME HAS NO RIGHT OF ACTION 1210

316 *(House Bill No. 523; B. Mercer)* PROVIDING FOR THE DISPOSITION OF ABANDONED LOTS IN PUBLIC CEMETERIES; PROVIDING REQUIREMENTS FOR ABANDONMENT; PROVIDING A PETITION PROCESS FOR A FINDING OF ABANDONMENT; REQUIRING PUBLIC NOTICE; PROVIDING EXCEPTIONS; AND PROVIDING DEFINITIONS 1211

317 *(House Bill No. 530; S. Fitzpatrick)* GENERALLY REVISING BUSINESS LAWS; ALLOWING FOR DOMESTICATION OF LIMITED LIABILITY COMPANIES, PROFESSIONAL LIMITED LIABILITY COMPANIES, LIMITED LIABILITY PARTNERSHIPS, PROFESSIONAL LIMITED LIABILITY PARTNERSHIPS, BENEFIT CORPORATIONS, AND NONPROFIT CORPORATIONS; PROVIDING FOR A PLAN OF DOMESTICATION; PROVIDING FOR APPROVAL OF DOMESTICATION; PROVIDING FOR AMENDMENT OR ABANDONMENT OF A PLAN FOR DOMESTICATION; PROVIDING FOR ARTICLES OF DOMESTICATION; PROVIDING DEFINITIONS; PROVIDING FOR NONEXCLUSIVITY; AND PROVIDING FOR REFERENCES TO EXTERNAL FACTS 1212

318 *(House Bill No. 531; S. Fitzpatrick)* PROVIDING THAT THE LEGISLATURE HAS THE SOLE CONSTITUTIONAL AUTHORITY REGARDING RULES THAT GOVERN THE LEGISLATURE'S PROCEEDINGS; PROHIBITING THE JUDICIAL BRANCH FROM REVIEWING AND INTERPRETING LEGISLATIVE RULES; PROVIDING A DEFINITION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1217

319 *(House Bill No. 544; E. Buttrey)* GENERALLY REVISING HEALTH UTILIZATION REVIEW LAWS; PROHIBITING RETROACTIVE DENIALS UNDER CERTAIN CIRCUMSTANCES; PROVIDING

BIOLOGIC PRESCRIPTIONS FOR MINORS; APPLYING TO CERTAIN ENTITIES; AMENDING SECTION 2-18-704, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE 1218

320 *(House Bill No. 591; G. Oblander)* DESIGNATING THE LAST FULL WEEK IN SEPTEMBER AS CELEBRATE FREEDOM WEEK IN MONTANA'S PUBLIC SCHOOLS; REQUIRING THE TRUSTEES TO ADOPT A POLICY TO ENSURE THE EFFECTIVE CONDUCT OF COMMEMORATIVE EXERCISES REQUIRED BY LAW; AMENDING SECTION 20-1-306, MCA; AND PROVIDING AN EFFECTIVE DATE 1223

321 *(House Bill No. 595; F. Nave)* REQUIRING THE DEPARTMENT OF CORRECTIONS TO OFFER A MONTANA CORRECTIONAL EDUCATION PROGRAM FOR INMATES; REQUIRING THE CORRECTIONAL EDUCATION PROGRAM TO PROVIDE HIGH SCHOOL EQUIVALENCY AND ADULT BASIC EDUCATION PROGRAMS; PROVIDING QUALIFICATIONS FOR AN INSTRUCTOR OF THE HIGH SCHOOL EQUIVALENCY AND ADULT BASIC EDUCATION PROGRAMS; REQUIRING THE DEPARTMENT OF CORRECTIONS TO ADOPT CERTAIN POLICIES; AND PROVIDING AN EFFECTIVE DATE 1224

322 *(House Bill No. 600; M. Cunningham)* GENERALLY REVISING LAWS REGARDING EMERGENCY ADMINISTRATION OF MEDICATION BY AN EMPLOYEE OR AGENT OF A PUBLIC OR NONPUBLIC SCHOOL; ALLOWING A SCHOOL TO MAINTAIN A SUPPLY OF STOCK ALBUTEROL; PROVIDING FOR THE EMERGENCY USE OF STOCK ALBUTEROL IN A SCHOOL SETTING; PROVIDING DEFINITIONS; AMENDING SECTION 20-5-420, MCA; AND PROVIDING AN EFFECTIVE DATE 1224

323 *(House Bill No. 603; G. Overstreet)* REMOVING THE REQUIREMENT THAT AT LEAST ONE MEMBER OF A QUASI-JUDICIAL BOARD BE AN ATTORNEY LICENSED TO PRACTICE LAW IN MONTANA; AMENDING SECTIONS 2-15-124, 2-15-1019, 2-15-1822, 2-15-2305, 2-15-2502, 2-15-3110, 2-15-3402, AND 2-15-3406, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1228

324 *(House Bill No. 612; G. Overstreet)* PROVIDING IF A SENTENCE IS REVOKED THE NEW SENTENCE MUST RUN CONSECUTIVELY TO ANY EXISTING SENTENCE UNLESS THE ORIGINAL SENTENCE RAN CONCURRENTLY; AND AMENDING SECTIONS 46-18-203 AND 46-18-401, MCA 1233

325 *(House Bill No. 614; G. Overstreet)* REVISING COUNTY ZONING LAWS; ALLOWING FOR THE TERMINATION OF A ZONING DISTRICT IF THE COUNTY HAS OPTED INTO THE MONTANA LAND USE PLANNING ACT OR IF THE ZONING DISTRICT IS TO BE INCLUDED IN ANOTHER ZONING DISTRICT; AND AMENDING SECTIONS 76-2-118 AND 76-2-229, MCA 1236

326 *(House Bill No. 616; S. Gist)* PROVIDING FOR DATA MODELING WHEN RELEASING A STRIP OR UNDERGROUND MINE PERFORMANCE BOND; PROVIDING FOR CONTINGENT VOIDNESS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 82-4-232, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1237

327 *(House Bill No. 625; B. Mercer)* PROVIDING FOR A REDUCTION IN A COUNTY'S ENTITLEMENT SHARE IF THE COUNTY FAILS TO COMPLY WITH MANDATORY CHILD ABUSE OR NEGLECT

REPORTING REQUIREMENTS; REQUIRING THAT THE ATTORNEY GENERAL REPORT NONCOMPLIANCE TO THE DEPARTMENT OF REVENUE; AND AMENDING SECTIONS 15-1-121 AND 41-3-210, MCA..... 1242

328 *(House Bill No. 629; S. Fitzpatrick)* REVISING LAWS RELATED TO THE CONNECTION OF A PROPOSED SUBDIVISION TO A COUNTY OR MUNICIPAL WATER OR SEWER SYSTEM; PROVIDING THAT A COUNTY OR MUNICIPAL WATER OR SEWER SYSTEM SHALL ACCEPT A PROPOSED SUBDIVISION'S REQUEST FOR CONNECTION IN CERTAIN CIRCUMSTANCES; DIRECTING AN AMENDMENT TO ARM 17.36.123 TO PROVIDE THAT A PUBLIC WATER SUPPLY AND WASTEWATER SYSTEM ACCEPT A CONNECTION FROM A PROPOSED SUBDIVISION UNDER CERTAIN CIRCUMSTANCES; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE..... 1248

329 *(House Bill No. 631; C. Schomer)* REVISING LAWS RELATED TO STUDENT DATA PRIVACY TO REMOVE BARRIERS TO POSTSECONDARY OPPORTUNITIES; REVISING A DEFINITION; AMENDING SECTION 20-7-1324, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.... 1250

330 *(House Bill No. 632; J. Darling)* REVISING THE COMPENSATION OF MEMBERS OF THE MENTAL DISABILITIES BOARD OF VISITORS, THE BURIAL PRESERVATION BOARD, AND THE MONTANA FACILITY FINANCE AUTHORITY; AMENDING SECTIONS 2-15-211, 22-3-804, AND 90-7-201, MCA; AND PROVIDING AN EFFECTIVE DATE.... 1251

331 *(House Bill No. 638; R. Gregg)* GENERALLY REVISING HUMAN RIGHTS LAWS; PROHIBITING A STATE OR LOCAL GOVERNMENT AGENCY FROM REQUIRING OR REQUESTING A DIVERSITY STATEMENT OR GRANTING ANY PREFERENTIAL TREATMENT BASED ON THE SUBMISSION OF A DIVERSITY STATEMENT; PROVIDING AN EXCEPTION; AND PROVIDING DEFINITIONS 1254

332 *(House Bill No. 642; G. Overstreet)* REVISING PUBLIC NUISANCE LAWS TO PROVIDE THAT CAMPING IN VIOLATION OF AN ORDINANCE OR STATUTE CONSTITUTES A PUBLIC NUISANCE; AND AMENDING SECTION 45-8-111, MCA 1254

333 *(House Bill No. 648; B. Ler)* REQUIRING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO NOTIFY COUNTY COMMISSIONERS, SHERIFF'S OFFICES, AND TRIBAL GOVERNMENTS BEFORE THE RELEASE OF A LARGE PREDATOR; AND AMENDING SECTION 87-1-217, MCA 1255

334 *(House Bill No. 650; C. Hinkle)* AUTHORIZING STATE BONDING FOR BROADBAND SERVICES; REVISING THE DEFINITION OF PROJECT; AMENDING SECTION 90-5-101, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE 1256

335 *(House Bill No. 651; A. Regier)* ALLOWING FOR THE USE OF TEMPORARY DOOR LOCKS DURING SHELTER-IN-PLACE OR EMERGENCY LOCKDOWN SITUATIONS; PROVIDING AN EXCEPTION TO THE FIRE CODE; PROVIDING A DEFINITION; AMENDING SECTION 50-61-106, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1258

336 *(House Bill No. 655; G. Oblander)* PROHIBITING DISCRIMINATORY ACTION AGAINST A PERSON PROVIDING ADOPTION OR FOSTER CARE SERVICES BASED ON THE PERSON'S RELIGIOUS BELIEF;

PROVIDING DEFINITIONS; PROVIDING REMEDIES; AND PROVIDING A STATUTE OF LIMITATIONS 1259

337 *(House Bill No. 656; K. Walsh)* REVISING THE USE OF THE EMPLOYMENT SECURITY ACCOUNT; TRANSFERRING THE OFFICE OF COMMUNITY SERVICE TO THE DEPARTMENT OF LABOR AND INDUSTRY; AMENDING THE EMPLOYMENT SECURITY ACCOUNT TO INCLUDE FUNDING OF THE OFFICE OF COMMUNITY SERVICE, COMMISSION FOR HUMAN RIGHTS, EDUCATION PROGRAMS, AND REENTRY PROGRAMS AS AN ALLOWABLE USE; AND AMENDING SECTIONS 39-51-409 AND 90-14-103, MCA 1263

338 *(House Bill No. 664; B. Mercer)* REVISING THE NUTRIENT CRITERIA FOR MONTANA WATER QUALITY STANDARDS; REMOVING REFERENCES TO NUMERIC NUTRIENT STANDARDS IN ADMINISTRATIVE RULE; REPEALING BASE NUMERIC NUTRIENT STANDARDS; PROVIDING DIRECTIONS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY; PROVIDING RULEMAKING AUTHORITY; ELIMINATING THE NUTRIENT WORK GROUP; AMENDING SECTION 75-5-103, MCA; REPEALING SECTION 75-5-321, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE..... 1264

339 *(House Bill No. 671; M. Nikolakakos)* REVISING THE MONTANA ACHIEVING A BETTER LIFE EXPERIENCE ACT TO INCLUDE THE SAME DEFINITION FOR THE INTERNAL REVENUE CODE AS THE DEFINITION USED IN THE MONTANA INDIVIDUAL INCOME TAX CODE; AMENDING SECTION 53-25-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE 1273

340 *(House Bill No. 694; B. Mercer)* REVISING CHILD ABUSE AND NEGLECT LAWS; REVISING THE DECLARATION OF POLICY; REVISING PLACEMENT PREFERENCES TO PROVIDE THAT PLACEMENTS OUTSIDE OF THE UNITED STATES ARE DISFAVORED; AND AMENDING SECTIONS 41-3-101 AND 41-3-450, MCA..... 1275

341 *(House Bill No. 710; K. Love)* GENERALLY REVISING LAWS RELATED TO THE JUDICIARY; ALLOWING A SUPREME COURT JUSTICE OR DISTRICT COURT JUDGE TO ISSUE SUBPOENAS REQUESTED BY AN INTERNET CRIMES AGAINST CHILDREN TASK FORCE OFFICER; PROVIDING A DEFINITION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1277

342 *(Senate Bill No. 105; J. Windy Boy)* PROHIBITING ELECTIONEERING AT ALL POLLING LOCATIONS FOR ALL ELECTIONS FROM THE TIME ABSENTEE BALLOTS ARE AVAILABLE UNTIL ALL VOTING IS COMPLETED; AMENDING SECTION 13-35-211, MCA; AND PROVIDING AN EFFECTIVE DATE..... 1278

343 *(Senate Bill No. 111; D. Loge)* LIMITING THE USE OF GREEN LIGHTS ON PUBLIC HIGHWAYS TO SNOW REMOVAL EQUIPMENT OPERATED BY THE DEPARTMENT OF TRANSPORTATION OR ANOTHER GOVERNMENT ENTITY AND TO ON-SCENE INCIDENT COMMANDERS; AND AMENDING SECTION 61-9-226, MCA..... 1278

344 *(Senate Bill No. 161; G. Hertz)* PROVIDING FOR THE REGULATION AND SALE OF AQUACULTURE; PROVIDING DEFINITIONS; PROVIDING EXEMPTIONS; PROVIDING RULEMAKING AUTHORITY; AMENDING

SECTIONS 30-12-301, 50-49-203, 50-50-102, AND 80-3-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1279

345 *(Senate Bill No. 163; D. Zolnikov)* REVISING THE GENETIC INFORMATION PRIVACY ACT; INCLUDING NEUROTECHNOLOGY DATA IN THE SCOPE OF THE GENETIC INFORMATION PRIVACY ACT; ADDING LEGISLATIVE FINDINGS AND PURPOSE TO THE ACT; REVISING PROVISIONS RELATING TO EXCEPTIONS; ADDING PROTECTIONS FOR THE PRIVACY OF NEUROTECHNOLOGY DATA; REVISING PROVISIONS RELATING TO PRIVACY NOTICES; PROVIDING A DEFINITION; AND AMENDING SECTIONS 30-23-101, 30-23-102, 30-23-103, 30-23-104, 30-23-105, AND 44-6-104, MCA 1285

346 *(Senate Bill No. 166; G. Hertz)* REVISING CERTIFIED PUBLIC ACCOUNTANT EDUCATION REQUIREMENTS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 37-50-305, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE 1291

347 *(Senate Bill No. 178; S. Vinton)* PROVIDING FOR TEMPORARY LEASES OF A WATER RIGHT; REVISING A DEFINITION; EXTENDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 85-2-102 AND 85-2-404, MCA 1291

348 *(Senate Bill No. 221; W. Galt)* PROVIDING FOR A GREENHOUSE GAS ASSESSMENT UNDER THE MONTANA ENVIRONMENTAL POLICY ACT; REVISING DIRECTIONS FOR ENVIRONMENTAL REVIEWS RELATED TO GREENHOUSE GAS ASSESSMENTS; PROVIDING DEFINITIONS; AMENDING SECTIONS 75-1-201, 75-1-202, AND 75-1-220, MCA; AND PROVIDING AN EFFECTIVE DATE..... 1296

349 *(Senate Bill No. 487; B. Usher)* REVISING LAWS RELATED TO THE MONTANA END OF WATCH TRUST; REQUIRING APPLICATIONS FOR PAYMENTS FROM THE END OF WATCH TRUST DUE TO CATASTROPHIC INJURY TO INCLUDE A WORKERS' COMPENSATION DETERMINATION OF PERMANENT AND TOTAL DISABILITY; ALLOWING LEGAL CHILDREN OF AN OFFICER TO RECEIVE PAYMENTS AFTER THEY TURN 18 IN CERTAIN CIRCUMSTANCES; PROVIDING RULEMAKING AUTHORITY TO THE DEPARTMENT OF JUSTICE; REVISING DEFINITIONS; AMENDING SECTIONS 2-15-2040, 2-15-2041, 2-15-2042, 2-15-2043, 2-15-2044, AND 2-15-2045, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1305

350 *(Senate Bill No. 27; K. Bogner)* GENERALLY REVISING MARIJUANA BUSINESS LICENSING LAWS; CREATING A MORATORIUM ON THE ISSUANCE OF LICENSES FOR PREMISES; PROHIBITING LICENSEES FROM ADDING ADDITIONAL LICENSED PREMISES; AMENDING SECTIONS 16-12-104, 16-12-201, 16-12-210, 16-12-223, 16-12-224, AND 16-12-301, MCA; AND PROVIDING AN EFFECTIVE DATE..... 1310

351 *(Senate Bill No. 30; T. McGillvray)* PROVIDING THAT THE RULE OF NECESSITY MAY NOT BE USED WHEN JUDICIAL OFFICERS WITH LESS OF A CONFLICT ARE AVAILABLE; AND AMENDING SECTION 3-1-611, MCA 1320

352 *(Senate Bill No. 38; G. Hertz)* REVISING LAWS TO PROHIBIT ATTORNEY FEE AWARDS AGAINST A GOVERNMENT ENTITY RELATING TO LEGISLATIVE VETO OVERRIDES; PROHIBITING ATTORNEY FEES AGAINST A GOVERNMENT ENTITY WHEN THE RESULT OF A LEGISLATIVE VETO OVERRIDE POLL DOES NOT RESULT IN

AN OVERRIDE OF A VETO; AMENDING SECTION 25-10-711, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.....1321

353 *(Senate Bill No. 41; D. Emrich)* REQUIRING A SUBSTITUTED OR DISQUALIFIED DISTRICT COURT JUDGE TO FOLLOW A PROCEDURE THAT PROVIDES FOR THE RANDOM SELECTION OF SUBSEQUENT JUDGES; DEFINING RANDOM SELECTION; REQUIRING THE OFFICE OF THE COURT ADMINISTRATOR TO ESTABLISH THE PROCEDURE; AND PROVIDING EFFECTIVE DATES.....1321

354 *(Senate Bill No. 65; S. Vance)* REVISING CHANGE-OF-NAME LAWS; PROVIDING FOR DEPARTMENT OF CORRECTIONS AUTHORITY TO CONTACT VICTIMS WHEN RESPONDING TO CHANGE-OF-NAME PETITIONS; AND AMENDING SECTION 27-31-201, MCA.....1322

355 *(Senate Bill No. 67; D. Loge)* PROVIDING FOR THE USE OF VEHICLES WITH AUTOMATED DRIVING SYSTEMS ON STATE PUBLIC HIGHWAYS; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING DEFINITIONS.....1323

356 *(Senate Bill No. 70; G. Lammers)* GENERALLY REVISING LAWS RELATED TO CONDITIONS OF PROBATION; ALLOWING FOR A PROBATION AND PAROLE OFFICER TO REMOVE A CONDITION OF SUPERVISION WITHOUT OBJECTION; REQUIRING VICTIM NOTIFICATION; AND AMENDING SECTIONS 46-18-203 AND 46-23-1011, MCA.....1325

357 *(Senate Bill No. 97; J. Fuller)* REVISING VENUE LAWS FOR CASES IN WHICH PARTIES CHALLENGE RECENTLY ENACTED LAW; PROVIDING THAT VENUE IS PROPER IN A COUNTY WHOLLY OR PARTIALLY WITHIN THE LEGISLATIVE DISTRICT OF THE PRIMARY SPONSOR OF THE CHALLENGED LAW; REQUIRING CHANGE OF VENUE TO A COUNTY WHOLLY OR PARTIALLY WITHIN THE LEGISLATIVE DISTRICT OF THE PRIMARY SPONSOR OF THE CHALLENGED LAW WHEN A PARTY PLEADS THAT A RECENTLY ENACTED LAW IS UNCONSTITUTIONAL; PROVIDING DEFINITIONS; AND AMENDING SECTIONS 25-2-118, 25-2-125, 25-2-126, AND 25-2-201, MCA.....1330

358 *(Senate Bill No. 107; S. Webber)* GENERALLY REVISING EDUCATION LAWS; ESTABLISHING A LEGISLATIVE GOAL FOR PUBLIC ELEMENTARY AND SECONDARY SCHOOLS TO SUPPORT INSTRUCTION OF PREVENTION AND AVOIDANCE OF CHILD SEX TRAFFICKING AND HUMAN TRAFFICKING; REQUIRING THE OFFICE OF PUBLIC INSTRUCTION TO UNDERTAKE ACTIVITIES TO EDUCATE MONTANANS ABOUT AND PREVENT CHILD SEX TRAFFICKING AND HUMAN TRAFFICKING; AMENDING SECTIONS 20-1-102 AND 20-7-1316, MCA; AND PROVIDING AN EFFECTIVE DATE.....1331

359 *(Senate Bill No. 148; D. Loge)* ALLOWING CERTAIN LANDOWNERS TO DESIGNATE LICENSES TO PERSONS WITH DEVELOPMENTAL OR PHYSICAL DISABILITIES; PROVIDING DEFINITIONS; AMENDING SECTIONS 87-1-266, 87-2-513, 87-2-516, 87-2-705, 87-2-714, AND 87-2-735, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.....1332

360 *(Senate Bill No. 149; D. Loge)* REVISING LAWS RELATED TO THE DOCUMENTATION OF EMOTIONAL SUPPORT ANIMALS; PROVIDING SUPPLEMENTAL INFORMATION REQUIREMENTS; REVISING

DEFINITIONS; AND AMENDING SECTIONS 70-24-114 AND 70-33-110, MCA 1337

361 *(Senate Bill No. 154; D. Emrich)* REVISING THE PROHIBITION ON THE SALE OR PURCHASE OF HUMAN BODY PARTS UNDER THE REVISED UNIFORM ANATOMICAL GIFT ACT; PROHIBITING THE SALE OR PURCHASE OF WHOLE HUMAN BODIES; REVISING DEFINITIONS; AMENDING SECTIONS 72-17-102 AND 72-17-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1340

362 *(Senate Bill No. 168; G. Hertz)* REVISING LAWS REGARDING LAKESHORE PROTECTION; PROVIDING A STATUTE OF LIMITATIONS FOR ACTIONS AGAINST PROPERTY OWNERS OR CONTRACTORS FOR VIOLATING LAKESHORE REGULATIONS; PROVIDING EXEMPTIONS FROM FUTURE PERMITTING FOR ONGOING MAINTENANCE, REMODELING, OR MINOR MODIFICATIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1343

363 *(Senate Bill No. 177; S. Vinton)* AUTHORIZING THE COMMUNITY CHOICE SCHOOL COMMISSION TO SEEK AND RECEIVE PUBLIC FUNDING AND CLARIFYING THE COMMISSION'S ABILITY TO RECEIVE AND EXPEND GIFTS FROM PRIVATE INDIVIDUALS; AMENDING SECTION 20-11-106, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1344

364 *(Senate Bill No. 191; M. Cuffe)* PROVIDING FOR THE CREATION AND LICENSURE OF RESIDENTIAL TREATMENT CENTERS; GRANTING RULEMAKING AUTHORITY TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; EXTENDING FUNDING OF APPROPRIATE EDUCATIONAL OPPORTUNITIES TO CHILDREN IN RESIDENTIAL TREATMENT CENTERS; AND AMENDING SECTIONS 20-7-419, 20-7-436, AND 50-5-101, MCA 1345

365 *(Senate Bill No. 193; J. Trebas)* PROVIDING THAT THE CHIEF JUSTICE OF THE MONTANA SUPREME COURT IS RESPONSIBLE FOR APPOINTING MEMBERS OF THE ATTORNEYS' EXAMINING BOARD; AND AMENDING SECTION 37-61-102, MCA 1352

366 *(Senate Bill No. 194; J. Trebas)* ELIMINATING THE BOARD OF PUBLIC ASSISTANCE; GENERALLY REVISING PROCEDURES FOR APPEALS RELATED TO PUBLIC ASSISTANCE CLAIMS; AMENDING SECTION 53-2-606, MCA; REPEALING SECTION 2-15-2203, MCA; AND PROVIDING EFFECTIVE DATES AND AN APPLICABILITY DATE 1353

367 *(Senate Bill No. 201; V. Ricci)* REVISING CLEANUP LAWS FOR PROPERTIES CONTAMINATED WITH METHAMPHETAMINES OR FENTANYL; PROVIDING FOR CERTIFICATION OF REMEDIATION CONTRACTORS; REVISING DECONTAMINATION STANDARDS; PROVIDING DEFINITIONS; AND AMENDING SECTIONS 75-10-1301, 75-10-1302, 75-10-1303, 75-10-1304, 75-10-1305, AND 75-10-1306, MCA 1354

368 *(Senate Bill No. 213; D. Zolnikov)* REVISING STATE BUILDING CODES ADOPTED BY RULE; ALLOWING CERTAIN RESIDENTIAL BUILDINGS TO BE PERMITTED WITH A SINGLE STAIRWELL; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTION 50-60-203, MCA 1357

369 *(Senate Bill No. 214; G. Hertz)* REVISING ZONING LAWS; PROVIDING THAT THE USE OF PROPERTY MUST BE FAVORED IN CASES

INVOLVING AN INTERPRETATION OF USE OR WHETHER A NONCONFORMING USE OF LAND IS ALLOWED AND THERE IS AMBIGUITY AS TO THE USE OR PRIOR USE; REMOVING THE EXCEPTION THAT HISTORIC PRESERVATION BOARDS MAY REVIEW APPLICATIONS FOR ZONING PERMITS AND VARIANCES; AMENDING SECTIONS 76-2-105, 76-2-113, 76-2-208, 76-2-210, 76-2-302, 76-2-308, AND 76-25-301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1359

370 *(Senate Bill No. 217; D. Zolnikov)* ESTABLISHING WORK TIME CREDIT FOR PROBATIONERS AND PAROLEES; REQUIRING THE PROBATIONER OR PAROLEE TO PROVIDE SUPPORTING DOCUMENTATION; ESTABLISHING WHEN WORK TIME CREDIT MUST BE REVOKED; PROVIDING RESTRICTIONS; AND PROVIDING DEFINITIONS 1363

371 *(Senate Bill No. 223; J. Esp)* PROVIDING FOR THE INTEREST AND INCOME EARNED FROM WORKFORCE HOUSING APPROPRIATIONS TO BE RETAINED; AMENDING SECTION 15, CHAPTER 774, LAWS OF 2023; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE 1364

372 *(Senate Bill No. 227; W. McKamey)* ELIMINATING INDIVIDUAL BOARD SEALS, STANDARDIZING DOCUMENT AUTHENTICATION, AND CLARIFYING RESPONSIBILITIES FOR PROFESSIONAL LICENSING BOARDS; ELIMINATING REDUNDANCIES IN ORGANIZATIONAL STATUTES FOR INDIVIDUAL PROFESSIONAL LICENSING BOARDS; ELIMINATING CONFLICTING PROVISIONS IN STATUTES FOR INDIVIDUAL PROFESSIONAL LICENSING BOARDS; AMENDING SECTIONS 37-3-301, 37-10-202, 37-13-201, 37-13-304, 37-15-202, 37-18-305, 37-24-202, 37-50-201, 37-51-201, 37-66-303, AND 37-68-201, MCA; AND REPEALING SECTIONS 37-3-201, 37-4-201, 37-8-201, 37-17-201, 37-28-103, 37-31-201, AND 37-67-201, MCA 1365

373 *(Senate Bill No. 235; K. Bogner)* REVISING QUALIFICATIONS FOR LANDOWNER-PREFERENCE ELK LICENSES; REQUIRING OWNERSHIP OF 640 ACRES OR MORE OF CONTIGUOUS LAND TO QUALIFY FOR SPECIAL PERMITS; ELIMINATING BEING UNDER CONTRACT TO PURCHASE 640 ACRES OR MORE OF CONTIGUOUS LAND AS A QUALIFICATION FOR SPECIAL PERMITS; DEFINING "EMPLOYEE"; AMENDING SECTIONS 87-2-516 AND 87-2-705, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1369

374 *(Senate Bill No. 245; M. Yakawich)* REVISING REQUIREMENTS FOR TRAINING MATERIALS FOR SCHOOL BUS DRIVERS; DIRECTING THE OFFICE OF PUBLIC INSTRUCTION TO MAKE TRANSPORTATION INDUSTRY-SPECIFIC TRAINING MATERIALS AVAILABLE TO SCHOOL BUS DRIVERS AT NO COST; AMENDING SECTION 20-7-1316, MCA; AND PROVIDING AN EFFECTIVE DATE 1370

375 *(Senate Bill No. 246; C. Neumann)* ESTABLISHING REPORTING REQUIREMENTS FOR FOOD PRODUCTS PROCURED BY GOVERNMENTAL BODIES; AMENDING SECTION 18-4-132, MCA; AND PROVIDING AN EFFECTIVE DATE 1371

376 *(Senate Bill No. 252; D. Fern)* GENERALLY REVISING LAWS RELATED TO MANUFACTURED AND FACTORY-BUILT HOUSING; REQUIRING THAT MUNICIPAL AND COUNTY ZONING REGULATIONS TREAT

MANUFACTURED AND FACTORY-BUILT HOUSING THE SAME AS OTHER TYPES OF RESIDENTIAL PROPERTY; INCLUDING MANUFACTURED HOUSING AS AN ALLOWABLE COMMERCIAL PURPOSE IN STATE TRUST LAND LEASES; PROVIDING DEFINITIONS; AND AMENDING SECTIONS 76-2-202, 76-2-302, 76-25-103, 76-25-303, AND 77-1-902, MCA 1373

377 *(Senate Bill No. 262; F. Mandeville)* EXEMPTING THE REVIEW OF CERTAIN SUBDIVISION APPLICATIONS AND WATER OR SEWER PLANS FROM ENVIRONMENTAL REVIEW; PROVIDING AN EXEMPTION TO LOCAL GOVERNMENTS AND INDEPENDENT REVIEWERS; REVISING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 75-6-121, 76-4-104, AND 76-4-136, MCA 1380

378 *(Senate Bill No. 264; R. Tempel)* ELIMINATING A DEFENSE TO THE EXHAUST NOISE LIMITATION STATUTE; AND AMENDING SECTION 61-9-435, MCA 1385

379 *(Senate Bill No. 265; D. Zolnikov)* REVISING CRYPTOCURRENCY LAWS; ESTABLISHING THE FINANCIAL FREEDOM AND INNOVATION ACT; PROHIBITING THE USE OF CENTRAL BANK DIGITAL CURRENCY BY GOVERNING AUTHORITIES; PERMITTING THE USE OF DIGITAL ASSETS AND BLOCKCHAIN PROTOCOLS; PROVIDING CERTIFICATION REQUIREMENTS FOR ISSUERS OF NETWORK TOKENS; PROVIDING RULEMAKING AUTHORITY; PROVIDING DEFINITIONS; AND AMENDING SECTION 30-10-105, MCA 1385

380 *(Senate Bill No. 271; E. Boldman)* GENERALLY REVISING LAWS REGARDING STUDENT-ATHLETE RIGHTS AND PROTECTIONS; ELIMINATING THE PROHIBITION ON A POSTSECONDARY INSTITUTION OR ATHLETIC ASSOCIATION, CONFERENCE, OR ORGANIZATION WITH AUTHORITY OVER INTERCOLLEGIATE SPORTS FROM PROVIDING A PROSPECTIVE OR CURRENT STUDENT-ATHLETE COMPENSATION FOR USE OF THE STUDENT-ATHLETE'S NAME, IMAGE, OR LIKENESS; AMENDING SECTION 20-1-232, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1394

381 *(Senate Bill No. 276; M. Cuffe)* GENERALLY REVISING VOTER IDENTIFICATION LAWS; REVISING IDENTIFICATION REQUIREMENTS FOR VOTING AND PROVISIONAL VOTING; REMOVING THE OPTION TO EXECUTE A DECLARATION OF REASONABLE IMPEDIMENT TO MEETING THE IDENTIFICATION REQUIREMENTS FOR PROVISIONAL BALLOTS; AMENDING SECTIONS 13-13-114, 13-13-602, AND 13-15-107, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1396

382 *(Senate Bill No. 282; D. Emrich)* GENERALLY REVISING SEARCH AND SEIZURE LAWS RELATED TO THE ABILITY OF THE STATE AND LOCAL GOVERNMENT TO OBTAIN AND USE ELECTRONIC COMMUNICATIONS AND RELATED MATERIAL AND STORED DATA OF AN ELECTRONIC DEVICE; PROHIBITING GOVERNMENTAL ENTITIES FROM OBTAINING ELECTRONIC COMMUNICATIONS AND RELATED MATERIAL EXCEPT BY A SEARCH WARRANT; LIMITING THE ADMISSIBILITY OF STORED DATA OF AN ELECTRONIC DEVICE OBTAINED IN VIOLATION OF STATUTE; CLARIFYING TO WHOM A REQUEST ISSUED BY A GOVERNMENTAL ENTITY MAY BE DISCLOSED; AND AMENDING SECTIONS 46-5-112 AND 46-5-602, MCA... 1399

383 *(Senate Bill No. 286; D. Emrich)* CLARIFYING THE PRECEDENTIAL VALUE OF CASELAW INTERPRETING A STATUTE IN THE EVENT OF SUBSEQUENT LEGISLATIVE ACTION ON THE INTERPRETED STATUTORY PROVISIONS 1401

384 *(Senate Bill No. 289; D. Loge)* PROVIDING FOR COUNTY NOTIFICATION BY THE DEPARTMENT OF REVENUE FOR CERTAIN PROPOSED PROPERTY TAX ADJUSTMENTS; AND PROVIDING AN APPLICABILITY DATE 1401

385 *(Senate Bill No. 302; D. Zolnikov)* REVISING TAX APPEAL PROCEDURE LAWS; PROVIDING FOR INFORMAL REVIEW OF RESIDENTIAL PROPERTY TAX DISPUTES AT THE MONTANA TAX APPEAL BOARD; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 15-2-301, MCA; AND PROVIDING AN APPLICABILITY DATE 1402

386 *(Senate Bill No. 330; G. Lammers)* CREATING THE MONTANA BLOCKCHAIN AND DIGITAL INNOVATION TASK FORCE; PROVIDING MEMBERSHIP REQUIREMENTS AND DUTIES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE 1404

387 *(Senate Bill No. 342; J. Fuller)* PROVIDING THAT THE CHIEF JUSTICE OF THE SUPREME COURT APPOINTS AND DIRECTS THE COURT ADMINISTRATOR; AMENDING SECTIONS 3-1-130, 3-1-701, AND 3-1-702, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE 1405

388 *(Senate Bill No. 344; G. Hertz)* REVISING THE PROCESS FOR WHAT CONSTITUTES DELIVERY AND RECEIPT OF A VETOED BILL AND THE GOVERNOR'S MESSAGE WHEN THE LEGISLATURE IS IN SESSION; AMENDING SECTION 5-4-306, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE 1406

389 *(Senate Bill No. 355; W. Galt)* GENERALLY REVISING ELECTRIC UTILITY LAWS; ALLOWING FOR A COMPETITIVE BIDDING PROCESS FOR THE CONSTRUCTION OF NEW ELECTRIC TRANSMISSION LINE PROJECTS; REVISING DEFINITIONS; AND AMENDING SECTIONS 69-5-201 AND 69-5-202, MCA 1407

390 *(Senate Bill No. 360; S. Vance)* REVISING ELECTION LAWS; PROVIDING AND REVISING DEFINITIONS; AMENDING SECTIONS 2-2-121, 13-1-101, 13-13-241, 13-37-219, 13-37-226, AND 13-37-234, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1409

391 *(Senate Bill No. 362; T. Tezak)* REVISING MUNICIPAL FIREFIGHTER QUALIFICATIONS; ALLOWING THE FIRE CHIEF TO QUALIFY A PERSON CONVICTED OF CERTAIN FELONIES AS A FIREFIGHTER; AND AMENDING SECTIONS 7-33-4107 AND 7-33-4108, MCA 1420

392 *(Senate Bill No. 369; M. Yakawich)* GENERALLY REVISING SCHOOL YOUTH SUICIDE PREVENTION LAWS; STRENGTHENING YOUTH SUICIDE PREVENTION EFFORTS IN MONTANA SCHOOLS; REQUIRING THE OFFICE OF PUBLIC INSTRUCTION TO ENSURE LOW-COST AND NO-COST OPTIONS FOR YOUTH SUICIDE AWARENESS AND PREVENTION TRAINING; REQUIRING YOUTH SUICIDE AWARENESS AND PREVENTION TRAINING FOR CERTAIN OFFICE OF PUBLIC INSTRUCTION EMPLOYEES AND FOR SCHOOL DISTRICT EMPLOYEES; REQUIRING THAT THE POLICIES, PROCEDURES, OR PLANS RELATED TO SUICIDE PREVENTION

AND RESPONSE DEVELOPED BY A SCHOOL DISTRICT INCLUDE A DESCRIPTION OF YOUTH SUICIDE AWARENESS AND PREVENTION TRAINING REQUIREMENTS FOR SCHOOL DISTRICT EMPLOYEES; AMENDING SECTION 20-7-1310, MCA; AND PROVIDING AN EFFECTIVE DATE 1421

393 *(Senate Bill No. 373; B. Usher)* REVISING LAWS RELATED TO ENFORCEMENT OF LIENS; REVISING REQUIREMENTS FOR A SUMMONS AND AN ORDER TO SHOW CAUSE; REVISING LOCATIONS FOR FILINGS AND HEARINGS; AND AMENDING SECTION 71-3-1203, MCA 1422

394 *(Senate Bill No. 375; M. Noland)* REVISING LAWS RELATED TO THE SALE OF HEMP PRODUCTS TO CONSUMERS; PROHIBITING THE SALE OF HEMP PRODUCTS THAT CONTAIN THC TO CONSUMERS; PROVIDING DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1423

395 *(Senate Bill No. 380; S. Vance)* GENERALLY REVISING LAWS RELATED TO MOTOR VEHICLES; INCLUDING THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IN A LIST OF UNITED STATES TERRITORIES ISSUING DRIVER'S LICENSES AND OTHER IDENTIFICATIONS; REVISING DISABILITY PARKING PERMIT APPLICATION REQUIREMENTS; REVISING DEFINITIONS; REVISING VEHICLE TITLE LAWS; REVISING VEHICLE REGISTRATION LAWS; ALLOWING THE DEPARTMENT AND CERTAIN APPLICANTS TO CONDUCT MORE BUSINESS ELECTRONICALLY; REORGANIZING DEFINITIONS IN TITLE 61, CHAPTER 3, PART 4, MCA; REVISING LICENSE PLATE LAWS; REVISING THE MINIMUM AGE FOR A DRIVER'S LICENSE; REVISING CERTAIN EXPIRATIONS FOR COMMERCIAL DRIVER'S LICENSES; REVISING STATUTES FOR THE CANCELLATION OF LICENSES; PROVIDING DEFINITIONS; AMENDING SECTIONS 2-6-1501, 49-4-303, 61-1-101, 61-3-109, 61-3-201, 61-3-202, 61-3-204, 61-3-210, 61-3-217, 61-3-220, 61-3-224, 61-3-303, 61-3-321, 61-3-401, 61-3-405, 61-3-412, 61-3-413, 61-4-101, 61-4-125, 61-4-128, 61-4-129, 61-4-225, 61-4-301, 61-5-105, 61-5-111, 61-5-119, 61-5-201, 61-8-1016, 61-8-1017, 61-8-1032, AND 61-12-501, MCA; AND REPEALING SECTIONS 61-3-413, 61-3-426, 61-3-473, AND 61-5-209, MCA 1424

396 *(Senate Bill No. 392; G. Hertz)* ESTABLISHING THE LAVERNE PARRISH MEMORIAL HIGHWAY; DIRECTING THE DEPARTMENT OF TRANSPORTATION TO INSTALL SIGNS AND TO INCLUDE THE MEMORIAL HIGHWAY ON THE NEXT PUBLICATION OF THE STATE MAP; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1467

397 *(Senate Bill No. 398; M. Yakawich)* INCREASING THE CAP FOR COLLECTIONS RELATED TO ACTIONS BROUGHT BEFORE A MUNICIPAL COURT; AND AMENDING SECTION 3-6-103, MCA 1468

398 *(Senate Bill No. 404; D. Fern)* REQUIRING THAT CERTAIN BUILDING PERMITS BE SENT TO THE DEPARTMENT OF REVENUE; REQUIRING LOCAL GOVERNMENTS AND THE DEPARTMENT OF LABOR AND INDUSTRY TO SEND THE DEPARTMENT OF REVENUE COPIES OF BUILDING PERMITS IN ORDER TO IDENTIFY NEW CONSTRUCTION; AND PROVIDING A DEFINITION 1469

399 *(Senate Bill No. 412; L. Smith)* PROVIDING FOR FEE WAIVERS OF CERTAIN GOVERNMENT DOCUMENTS TO FORMER FOSTER CHILDREN UNDER 21 YEARS OF AGE; SUPERSEDING THE UNFUNDED MANDATE LAWS; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 7-4-2631, 20-25-515, 50-15-111, 61-5-111, 61-5-114, AND 61-12-504, MCA 1469

400 *(Senate Bill No. 428; W. Curdy)* REVISING WHERE A LOCAL AUTHORITY AND A COUNTY COMMISSION MAY SET SPEED LIMITS; AND AMENDING SECTION 61-8-310, MCA 1476

401 *(Senate Bill No. 433; T. Manzella)* REVISING RIGHT-OF-WAY LAWS REGARDING ROUNDABOUTS; PROVIDING DEFINITIONS; AND AMENDING SECTION 61-8-327, MCA 1477

402 *(Senate Bill No. 441; D. Loge)* CREATING THE MONTANA BLOCK MANAGEMENT ENFORCEMENT NETWORK; ALLOWING LANDOWNERS TO OPT-IN OR OPT-OUT OF THE MONTANA BLOCK MANAGEMENT ENFORCEMENT NETWORK; CREATING ADDITIONAL RESTRICTIONS APPLICABLE TO LANDS ENROLLED IN THE MONTANA BLOCK MANAGEMENT ENFORCEMENT NETWORK; REQUIRING THE DEPARTMENT TO PROVIDE ADDITIONAL EDUCATION OPPORTUNITIES REGARDING THE MONTANA BLOCK MANAGEMENT ENFORCEMENT NETWORK; AND PROVIDING RULEMAKING AUTHORITY 1478

403 *(Senate Bill No. 442; S. Vinton)* EXCLUDING MANAGERS OF LICENSED LODGING ESTABLISHMENTS AS DEFINED IN 50-51-102 FROM REAL PROPERTY MANAGER LICENSING REQUIREMENTS; AMENDING SECTION 37-56-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1479

404 *(Senate Bill No. 444; J. Trebas)* GENERALLY REVISING CRIMINAL PROCEDURE LAWS; REQUIRING A SEARCH WARRANT TO BE EXHIBITED TO A KNOWN LAWFUL OCCUPANT OF A PROPERTY TO BE SEARCHED; AMENDING SECTION 46-5-227, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1480

405 *(Senate Bill No. 457; S. Vinton)* REVISING ENFORCEMENT OF LEGISLATIVE SUBPOENAS; PROVIDING A PROCEDURE TO POLL THE MEMBERS OF THE HOUSE OF REPRESENTATIVES OR THE SENATE WHEN A WITNESS OR PERSON COMPELLED TO PRODUCE RECORDS FAILS TO COMPLY WITH A LEGISLATIVE SUBPOENA; PROVIDING A MISDEMEANOR PENALTY OF CRIMINAL CONTEMPT OF THE LEGISLATURE; AMENDING SECTIONS 5-5-109 AND 5-11-107, MCA; AND PROVIDING AN EFFECTIVE DATE 1480

406 *(Senate Bill No. 458; K. Bogner)* ALLOWING FINANCING OF PUBLIC SAFETY AND RESILIENCY IMPROVEMENT PROJECTS THROUGH COMMERCIAL PROPERTY-ASSESSED CAPITAL ENHANCEMENTS PROGRAMS; AMENDING SECTIONS 90-4-1302, 90-4-1304, 90-4-1305, 90-4-1306, AND 90-4-1307, MCA; AND PROVIDING AN EFFECTIVE DATE 1483

407 *(Senate Bill No. 482; E. Boldman)* REQUIRING A WRITTEN CONTRACT RELATING TO A COLLEGE ATHLETE'S STUDENT-ATHLETE RIGHTS, INCLUDING NAME, IMAGE, AND LIKENESS; AMENDING SECTIONS 20-1-232 AND 28-2-903, MCA; AND PROVIDING AN EFFECTIVE DATE 1487

408 *(Senate Bill No. 486; S. Vinton)* REVISING REMITTANCES FOR THE MONTANA SPECIAL NEEDS EQUAL OPPORTUNITY EDUCATION SAVINGS ACCOUNT TO ALLOW A SCHOOL DISTRICT TO ELECT TO HAVE THE OFFICE OF PUBLIC INSTRUCTION PAY THE REMITTANCE AMOUNT IN THE FIRST YEAR OF A STUDENT'S PARTICIPATION IN THE PROGRAM; AMENDING SECTION 20-7-1709, MCA; AND PROVIDING AN EFFECTIVE DATE 1489

409 *(Senate Bill No. 490; M. Cuffe)* REVISING LATE VOTER REGISTRATION; REVISING THE DAYS AND TIMES AN ELECTOR MAY REGISTER LATE, CHANGE THE ELECTOR'S VOTER REGISTRATION INFORMATION, AND VOTE IN A FEDERAL ELECTION; AND AMENDING SECTIONS 13-2-304 AND 13-21-104, MCA 1491

410 *(Senate Bill No. 493; G. Hertz)* CREATING THE OFFENSE OF CRIMINAL TRESPASS BY UNMANNED AERIAL VEHICLE; PROVIDING EXCEPTIONS; PROVIDING A DEFINITION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1492

411 *(Senate Bill No. 498; W. McKamey)* REVISING PREPARATION PROCEDURES FOR PRIMARY ELECTIONS; AMENDING SECTION 13-10-311, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1493

412 *(Senate Bill No. 508; W. Curdy)* PROVIDING THAT ANY LEVEL OF TETRAHYDROCANNABINOL CONSTITUTES DRIVING UNDER THE INFLUENCE FOR DRIVERS UNDER 21 YEARS OF AGE; AND AMENDING SECTION 61-8-1002, MCA 1494

413 *(Senate Bill No. 511; G. Hertz)* GENERALLY REVISING LAWS RELATING TO LITIGATION FINANCING; AMENDING THE LITIGATION FINANCING TRANSPARENCY AND CONSUMER PROTECTION ACT; CREATING THE FOREIGN INVESTMENT IN LITIGATION FINANCING ACT; PROVIDING A PROHIBITION ON LITIGATION FUNDING BY CERTAIN FOREIGN ENTITIES; PROVIDING FOR REGISTRATION AND TRANSPARENCY OF FOREIGN PERSONS; AMENDING DEFINITIONS; AMENDING SECTIONS 31-4-102, 31-4-104, 31-4-108, 31-4-118, AND 31-4-120, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE 1495

414 *(Senate Bill No. 516; M. Yakawich)* GENERALLY REVISING LAWS RELATED TO FACILITIES LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; REVISING DEFINITIONS; PROVIDING A DEFINITION FOR SUBSTANCE USE DISORDER TREATMENT FACILITY; UPDATING LICENSURE REQUIREMENTS FOR COMMUNITY HOMES FOR PERSONS WITH SEVERE DISABILITIES AND FOR PERSONS WITH DEVELOPMENTAL DISABILITIES; AND AMENDING SECTIONS 7-34-2201, 33-36-103, 50-5-101, 50-5-201, 50-5-203, 50-5-204, 50-5-207, 50-5-226, 50-6-401, 50-20-901, 52-2-736, 52-2-806, 52-4-203, 53-6-101, 53-20-302, AND 53-20-305, MCA 1501

415 *(Senate Bill No. 518; D. Harvey)* REVISING LAWS RELATED TO EMERGENCY CARE PROVIDERS; TRANSFERRING LICENSING OVERSIGHT FOR EMERGENCY CARE PROVIDERS FROM THE BOARD OF MEDICAL EXAMINERS TO THE DEPARTMENT OF LABOR AND INDUSTRY; REVISING THE MEMBERSHIP OF THE BOARD OF MEDICAL EXAMINERS; REVISING LAWS RELATED TO MEDICAL CARE STANDARDS; REVISING DEFINITIONS;

DEFINING COMMUNITY-INTEGRATED HEALTH CARE; PROVIDING RULEMAKING AUTHORITY TO THE DEPARTMENT OF LABOR AND INDUSTRY; AMENDING SECTIONS 2-15-1731, 37-1-401, 37-3-102, 37-3-203, 39-71-118, 50-6-104, 50-6-105, 50-6-201, 50-6-202, 50-6-203, 50-6-302, 50-6-323, 50-32-603, AND 61-2-502, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE 1520

416 *(House Bill No. 8; J. Fitzpatrick)* APPROVING RENEWABLE RESOURCE PROJECTS AND AUTHORIZING LOANS; APPROPRIATING MONEY TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR LOANS UNDER THE RENEWABLE RESOURCE GRANT AND LOAN PROGRAM; AUTHORIZING THE ISSUANCE OF COAL SEVERANCE TAX BONDS; AND PROVIDING AN EFFECTIVE DATE 1534

417 *(House Bill No. 26; B. Edwards)* REPEALING THE MERCURY-ADDED THERMOSTAT COLLECTION ACT; REPEALING SECTIONS 75-10-1501, 75-10-1502, 75-10-1503, 75-10-1504, 75-10-1505, 75-10-1506, 75-10-1507, 75-10-1508, AND 75-10-1509, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1537

418 *(House Bill No. 40; J. Fitzpatrick)* PROVIDING FOR A SPECIAL REVENUE ACCOUNT FOR REVIEW OF PUBLIC WATER SUPPLY OR PUBLIC SEWAGE SYSTEM PLANS AND SPECIFICATIONS; AMENDING SECTIONS 75-6-104, 75-6-108, AND 75-6-115, MCA; AND PROVIDING AN EFFECTIVE DATE 1538

419 *(House Bill No. 47; K. Zolnikov)* GENERALLY REVISING THE STATE BUILDING ENERGY CONSERVATION ACT; REMOVING THE DEPARTMENT OF ENVIRONMENTAL QUALITY'S AUTHORITY TO ISSUE ENERGY CONSERVATION PROGRAM BONDS; ALLOWING THE DEPARTMENT TO SET AN ANNUAL INTEREST RATE FOR PROJECTS; REVISING DEFINITIONS; REVISING CERTAIN PROJECT REQUIREMENTS; AMENDING SECTIONS 90-4-602, 90-4-605, 90-4-606, 90-4-607, 90-4-613, 90-4-614, 90-4-615, 90-4-616, 90-4-617, AND 90-4-625, MCA; REPEALING SECTIONS 90-4-611 AND 90-4-612, MCA; AND PROVIDING AN EFFECTIVE DATE 1541

420 *(House Bill No. 56; E. Buttrey)* ESTABLISHING AN AMBULANCE PROVIDER ASSESSMENT FEE; ESTABLISHING PROCEDURES FOR COLLECTING AND DISTRIBUTING THE ASSESSMENT FEE; ALLOWING AUDITING OF AMBULANCE PROVIDER REPORTS AND PAYMENTS; ALLOWING FOR PENALTIES AND INTEREST; REQUIRING REVENUES GENERATED BY THE ASSESSMENT FEE TO BE USED FOR SUPPLEMENTING AMBULANCE PROVIDER MEDICAID PAYMENTS; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; PROVIDING A STATUTORY APPROPRIATION; PROVIDING APPROPRIATIONS FOR THE DEPARTMENT OF REVENUE TO IMPLEMENT AND ADMINISTER THE COLLECTION OF THE ASSESSMENT FEE; PROVIDING FOR REIMBURSEMENT TO THE GENERAL FUND FROM THE STATE SPECIAL REVENUE ACCOUNT; AMENDING SECTION 17-7-502, MCA; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING A CONTINGENT EFFECTIVE DATE AND A TERMINATION DATE 1546

421 *(House Bill No. 87; S. Essmann)* REVISING PROPERTY TAXATION PROCEDURES AND COUNTY REIMBURSEMENT FOR CERTAIN LANDS PURCHASED BY THE DEPARTMENT OF FISH, WILDLIFE,

AND PARKS; PROVIDING THAT THE LANDS ARE SUBJECT TO ASSESSMENT BY THE DEPARTMENT OF REVENUE IN THE SAME MANNER AS A PRIVATE CITIZEN; MAINTAINING EXISTING EXCEPTIONS; AMENDING SECTIONS 15-6-201 AND 87-1-603, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE 1552

422 *(House Bill No. 125; D. Bedey)* REVISING ELECTION JUDGE QUALIFICATIONS FOR SCHOOL DISTRICT ELECTIONS; ALLOWING QUALIFIED REGISTERED ELECTORS IN THE COUNTY WHERE THE ELECTION IS BEING HELD TO SERVE AS ELECTION JUDGES; AMENDING SECTION 20-20-109, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE..... 1556

423 *(House Bill No. 147; J. Hinkle)* PROVIDING A DEFINITION OF ENFORCEMENT ACTION TO INCLUDE A TIME PERIOD AND OTHER REQUIREMENTS; AMENDING SECTION 70-17-210, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1557

424 *(House Bill No. 156; D. Bedey)* GENERALLY REVISING SCHOOL FUNDING LAWS; ENHANCING SCHOOL FUNDING EQUALIZATION BY REPLACING THE GUARANTEED-TAX-BASE-AID-SUPPORTED SCHOOL DISTRICT BASE LEVY WITH A GUARANTEED-TAX-BASE-AID-SUPPORTED COUNTYWIDE LEVY TO SUPPORT THE BASE BUDGETS OF SCHOOL DISTRICTS; REDUCING REQUIRED TUITION PAYMENTS TO REFLECT THE COUNTYWIDE LEVY; REVISING THE USE OF VARIOUS FORMS OF NONLEVY REVENUE IN RELATION TO SCHOOL DISTRICT GENERAL FUND BUDGETS; REPLACING DISTRICT GUARANTEED TAX BASE AID WITH COUNTY GUARANTEED TAX BASE AID IN SUPPORT OF THE NEW COUNTYWIDE LEVY; REVISING GUARANTEED TAX BASE AID LAWS; REVISING THE DUTIES OF TRUSTEES, DISTRICT CLERKS, COUNTY SUPERINTENDENTS, AND COUNTY TREASURERS AS RELATED TO THE NEW COUNTYWIDE LEVY; AMENDING SECTIONS 7-15-4291, 15-1-402, 20-3-209, 20-3-324, 20-5-323, 20-5-324, 20-6-702, 20-9-101, 20-9-104, 20-9-131, 20-9-141, 20-9-212, 20-9-235, 20-9-306, 20-9-308, 20-9-310, 20-9-336, 20-9-366, 20-9-367, 20-9-368, 20-9-369, AND 20-9-515, MCA; REPEALING SECTION 15-1-409, MCA; AND PROVIDING AN APPLICABILITY DATE..... 1558

425 *(House Bill No. 162; K. Walsh)* PROVIDING THAT A RESORT TAX LEVY FOR INFRASTUCTURE MAY BE USED FOR CERTAIN HOUSING PROJECTS; REVISING THE DEFINITION OF INFRASTRUCTURE; AMENDING SECTION 7-6-1501, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE..... 1592

426 *(House Bill No. 171; E. Tilleman)* GENERALLY REVISING THE ALFALFA SEED INDUSTRY ACT; ELIMINATING THE MONTANA ALFALFA SEED COMMITTEE AND TRANSFERRING CERTAIN DUTIES TO THE DEPARTMENT OF AGRICULTURE; REVISING DEFINITIONS; ELIMINATING THE ALFALFA SEED INDUSTRY ACT; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 80-6-1102, 80-6-1106, 80-6-1109, AND 80-6-1111, MCA; REPEALING SECTIONS 2-15-3004, 80-6-1101, 80-6-1103, 80-6-1104, 80-6-1105, 80-6-1107, 80-6-1108, 80-6-1110, 80-6-1112, 80-11-301, 80-11-302, 80-11-303, 80-11-304, AND 80-11-305, 80-11-307, 80-11-308, 80-11-309, 80-11-310, 80-11-311, 80-11-312, AND 80-11-313, MCA; AND PROVIDING EFFECTIVE DATES 1594

427 *(House Bill No. 178; B. Mitchell)* LIMITING THE USE OF ARTIFICIAL INTELLIGENCE SYSTEMS BY STATE AND LOCAL GOVERNMENT; PROHIBITING CERTAIN USES OF ARTIFICIAL INTELLIGENCE SYSTEMS; REQUIRING DISCLOSURE OF CERTAIN USES OF ARTIFICIAL INTELLIGENCE SYSTEMS; REQUIRING CERTAIN DECISIONS OR RECOMMENDATIONS TO BE REVIEWED BY A HUMAN IN AN APPROPRIATE RESPONSIBLE POSITION; AND PROVIDING DEFINITIONS 1596

428 *(House Bill No. 194; A. Regier)* GENERALLY REVISING LAWS RELATED TO JURIES; REVISING REQUIREMENTS FOR NOTICE AND SUMMONS TO JURORS; REVISING REQUIREMENTS FOR MOTIONS TO DISCHARGE A JURY PANEL; AMENDING SECTIONS 3-15-405, 3-15-411, 3-15-501, AND 46-16-112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE 1597

429 *(House Bill No. 206; M. Vinton)* REVISING LAWS RELATED TO THE PRESENTATION OF AN ELECTRICIAN'S LICENSE; AND AMENDING SECTION 37-68-315, MCA 1599

430 *(House Bill No. 242; T. Millett)* REVISING FINES FOR ILLEGALLY TRANSPORTING AQUATIC INVASIVE SPECIES; AND AMENDING SECTION 80-7-1014, MCA 1600

431 *(House Bill No. 250; D. Bedey)* GENERALLY REVISING EDUCATION LAWS RELATED TO OUT-OF-DISTRICT ATTENDANCE; CLARIFYING THE TUITION AND TRANSPORTATION RESPONSIBILITIES OF A DISTRICT OF RESIDENCE FOR A CHILD WITH A DISABILITY; CLARIFYING AND CONSOLIDATING PROVISIONS RELATED TO TRANSPORTATION RESPONSIBILITIES; ALLOWING TRUSTEES TO DENY AN OUT-OF-DISTRICT ATTENDANCE REQUEST IF ACCEPTING THE REQUEST WOULD JEOPARDIZE THE DISTRICT'S ACCREDITATION STATUS AND FOR STUDENTS WHO HAVE BEEN SUSPENDED; CLARIFYING THE TUITION RESPONSIBILITIES FOR A NONOPERATING SCHOOL DISTRICT; CLARIFYING PRORATED TUITION FOR PARTIAL-YEAR ATTENDANCE; REVISING THE OUT-OF-DISTRICT REPORTING REQUIREMENTS BY SCHOOL DISTRICTS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION; CLARIFYING REMOTE INSTRUCTION FOR STUDENTS ATTENDING OUT-OF-DISTRICT; REMOVING THE REQUIREMENT THAT A STUDENT SEEK REMOTE INSTRUCTION FROM THE NEAREST SCHOOL DISTRICT OFFERING THE REMOTE INSTRUCTION; AMENDING SECTIONS 20-5-320, 20-5-322, 20-5-323, 20-5-324, 20-7-118, 20-7-421, AND 20-9-505, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE 1601

432 *(House Bill No. 259; P. Fielder)* REVISING LAWS RELATED TO THE MANAGEMENT OF GRAY WOLVES; REQUIRING THE FISH AND WILDLIFE COMMISSION TO APPLY DIFFERENT TECHNIQUES FOR THE MANAGEMENT OF GRAY WOLVES; ALLOWING THE USE OF THERMAL AND INFRARED SCOPES FOR GRAY WOLF MANAGEMENT; AMENDING SECTION 87-1-901, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1609

433 *(House Bill No. 264; J. Karlen)* REVISING LAWS RELATED TO WILDLIFE LOCATION DATA AND TELEMETRY FREQUENCIES; PROVIDING PROHIBITIONS AND EXCEPTIONS ON THE RELEASING OF DATA

BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; AND AMENDING SECTION 2-6-1003, MCA 1610

434 *(House Bill No. 280; L. Bennett)* REPEALING THE INTERAGENCY COORDINATING COUNCIL FOR STATE PREVENTION PROGRAMS; ELIMINATING REPORTING REQUIREMENTS; AND REPEALING SECTION 2-15-225, MCA 1611

435 *(House Bill No. 299; E. Tilleman)* REVISING PURPOSES FOR WHICH PUBLIC USE EASEMENTS MAY BE GRANTED ON STATE LAND; AMENDING SECTIONS 77-2-101, 77-2-102, AND 77-2-105, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1611

436 *(House Bill No. 317; D. Bedey)* REPEALING THE STATUTORY REQUIREMENT FOR A MEMORANDUM OF UNDERSTANDING BETWEEN THE BOARD OF REGENTS AND THE IDAHO COLLEGE OF OSTEOPATHIC MEDICINE; REPEALING SECTION 20-25-811, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1613

437 *(House Bill No. 323; S. Fitzpatrick)* ALLOWING A COUNTY TO PROVIDE COMPENSATION TO RESERVE DEPUTY SHERIFF'S OFFICERS; AND AMENDING SECTION 7-4-2503, MCA 1614

438 *(House Bill No. 332; B. Mercer)* REVISING THE YOUTH COURT ACT; ENUMERATING ADDITIONAL OFFENSES BY A YOUTH THAT MAY BE FILED IN DISTRICT COURT; ALLOWING A YOUTH TO WAIVE THE RIGHT TO A TRANSFER HEARING; PROVIDING REMEDIES WHEN A YOUTH FAILS THE TERMS OF A CONSENT ADJUSTMENT; REVISING LAWS RELATED TO CONSENT DECREES; PROVIDING A DEFINITION; AND AMENDING SECTIONS 41-5-206, 41-5-208, 41-5-1302, 41-5-1501, AND 41-5-1605, MCA 1616

439 *(House Bill No. 338; M. Romano)* REVISING LAWS RELATED TO EARLY LITERACY TARGETED INTERVENTIONS TO INCLUDE NUMERACY AND ALLOW GREATER FLEXIBILITY IN EVALUATING CHILDREN FOR ELIGIBILITY; REVISING REPORTING REQUIREMENTS; AMENDING SECTIONS 5-11-222, 20-3-326, 20-5-101, 20-7-1801, 20-7-1802, 20-7-1803, 20-7-1804, AND 20-9-311, MCA; AND PROVIDING AN EFFECTIVE DATE 1623

440 *(House Bill No. 341; E. Buttrey)* REVISING THE MOTOR VEHICLE REGISTRATION TRAUMATIC BRAIN INJURY DONATION LAWS; PROVIDING FOR THE USE OF THE FUNDS TO EDUCATE AND SUPPORT INDIVIDUALS AND FAMILIES LIVING WITH TRAUMATIC BRAIN INJURIES; CHANGING THE CONTRIBUTION TO AN AUTOMATIC DONATION WITH AN OPT-OUT PROVISION; PROVIDING FOR NOTICE; PROVIDING AN APPROPRIATION; AND AMENDING SECTIONS 2-15-2218, 33-22-2104, 61-3-303, AND 61-14-101, MCA 1643

441 *(House Bill No. 345; J. Schillinger)* CLARIFYING THE DEPARTMENT AND COMMISSION ROLES IN TRANSIT; AND AMENDING SECTION 60-2-129, MCA 1648

442 *(House Bill No. 346; P. Tuss)* EXEMPTING DEPARTMENT OF COMMERCE GRANT AND LOAN PROGRAMS FROM REVIEW UNDER THE MONTANA ENVIRONMENTAL POLICY ACT; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN EFFECTIVE DATE 1648

443 *(House Bill No. 349; M. Nikolakakos)* ESTABLISHING PROVISIONS FOR RETIREES UNDER THE TEACHERS' RETIREMENT SYSTEM

TO RETURN TO WORK FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION WITHOUT LOSING RETIREMENT BENEFITS; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING RULEMAKING AUTHORITY; PROVIDING DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE 1650

444 *(House Bill No. 350; J. Hinkle)* PROHIBITING THE ENFORCEMENT OF POLICIES ISSUED BY CERTAIN INTERGOVERNMENTAL ENTITIES IN THE STATE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1651

445 *(House Bill No. 351; C. Sprunger)* CLARIFYING THE POINT OF TAXATION FOR GASOLINE AND SPECIAL FUELS TAXES TO THE FIRST LICENSED DISTRIBUTOR WHO OWNS THE GASOLINE OR SPECIAL FUEL AS IT IS WITHDRAWN FROM A TERMINAL OR REFINERY IN THIS STATE OR IMPORTED INTO THIS STATE; REVISING DEFINITIONS; AMENDING SECTIONS 15-70-401, 15-70-402, 15-70-403, 15-70-404, AND 15-70-441, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE 1652

446 *(House Bill No. 354; J. Cohenour)* REQUIRING THE REVOCATION OF HUNTING, FISHING, AND TRAPPING PRIVILEGES FOR ACTS OF CRIMINAL TRESPASS COMMITTED WHILE HUNTING, FISHING, TRAPPING, OR COLLECTING OR ATTEMPTING TO COLLECT ANTLERS, ANTLER SHEDS, OR ANIMAL HORNS; AMENDING SECTION 45-6-203, MCA; AND PROVIDING AN APPLICABILITY DATE 1658

447 *(House Bill No. 355; K. Walsh)* CLARIFYING THAT RELATED EASEMENTS RIGHTS ARE RETAINED WHEN A CANAL OR DITCH IS CONVERTED INTO A PIPELINE; AND AMENDING SECTION 70-17-112, MCA 1659

448 *(House Bill No. 358; S. Fyant)* INCREASING THE MONTHLY PENSION BENEFIT FOR THE VOLUNTEER FIREFIGHTERS' COMPENSATION ACT; AMENDING SECTION 19-17-404, MCA; AND PROVIDING AN EFFECTIVE DATE 1659

449 *(House Bill No. 359; J. Isaly)* REVISING WORKING RETIREE PROVISIONS UNDER THE TEACHERS' RETIREMENT SYSTEM; ALLOWING RETIRED TEACHERS TO MENTOR NEW TEACHERS; AMENDING SECTION 19-20-734, MCA; AMENDING SECTION 6, CHAPTER 135, LAWS OF 2023; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE 1660

450 *(House Bill No. 365; S. Fitzpatrick)* REVISING THE AWARD OF COSTS AND ATTORNEY FEES BASED ON LEGISLATIVE CONDUCT; PROHIBITING LEGISLATIVE CONDUCT TO BE CONSIDERED IN A BAD FAITH ANALYSIS; PROVIDING THAT LEGISLATIVE CONDUCT IS INADMISSIBLE FOR A BAD FAITH ANALYSIS OR FOR AWARDING COSTS AND FEES; AMENDING SECTION 25-10-711, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE 1662

451 *(House Bill No. 384; J. Lynch)* REVISING THE DATES TO APPLY FOR A SPEECH-LANGUAGE PATHOLOGIST OR AUDIOLOGIST LICENSE; AMENDING SECTION 37-15-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1663

452 *(House Bill No. 416; J. Hinkle)* PROVIDING REQUIREMENTS FOR A HOMEOWNERS' ASSOCIATION TO SEEK PERMISSION FOR ENTRY ON REAL PROPERTY; PROVIDING THAT AN OWNER OF REAL PROPERTY MAY REQUIRE THAT THE OWNER OR THE OWNER'S AGENT BE PRESENT; AND PROVIDING A DEFINITION AND EXCEPTIONS 1663

453 *(House Bill No. 441; R. Miner)* REVISING WATER LAWS TO ALIGN PROVISIONAL WATER RIGHTS WITH FINAL DECREES; CLARIFYING PROCESSES FOR POST-DECREE PETITIONS TO REDUCE, MODIFY, OR REVOKE PERMITS; CLARIFYING POST-DECREE VERIFICATION OF PERMITS AND CHANGES IN APPROPRIATION RIGHTS; AND AMENDING SECTIONS 85-2-313, 85-2-315, AND 85-2-402, MCA 1664

454 *(House Bill No. 497; J. Lynch)* REVISING LAWS RELATING TO APPRENTICESHIP PROGRAMS IN THE ELECTRICAL TRADE; ALLOWING FOR COMPLETION OF AN APPROVED APPRENTICESHIP PROGRAM OR A SUBSTANTIAL EQUIVALENT PROGRAM IN THE ELECTRICAL TRADE; PROVIDING A DEFINITION; AMENDING SECTION 37-68-305, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1673

455 *(House Bill No. 535; G. Overstreet)* GENERALLY REVISING THE UNIFORM CRIMINAL EXTRADITION ACT; PROVIDING AND REVISING DEFINITIONS; REVISING STATUTES TO USE NEW DEFINITIONS AND TERMINOLOGY; REVISING SERVICE PROCEDURES FOR A GOVERNOR'S WARRANT; REVISING THE PROCESS AND CRITERIA FOR A HABEAS CHALLENGE; REVISING THE PROCESS AND TIMELINES FOR HOLDING A REQUISITIONED PERSON IN CUSTODY; REVISING THE TRANSPORT COST APPROVAL PROCESS; SETTING CONDITIONS AFTER A TRANSPORT; REVISING THE PROCESS FOR A REQUISITION; AND AMENDING SECTIONS 46-30-101, 46-30-102, 46-30-202, 46-30-203, 46-30-204, 46-30-211, 46-30-212, 46-30-213, 46-30-214, 46-30-215, 46-30-217, 46-30-218, 46-30-225, 46-30-226, 46-30-228, 46-30-229, 46-30-302, 46-30-303, 46-30-304, 46-30-401, 46-30-402, 46-30-411, AND 46-30-412, MCA 1674

456 *(House Bill No. 538; M. Nikolakakos)* REVISING STATE EMERGENCY TELEPHONE SYSTEM LAWS; REVISING THE MEMBERSHIP AND DUTIES OF THE 9-1-1 ADVISORY COUNCIL; REVISING LAWS RELATED TO 9-1-1 PLANNING; REVISING LAWS RELATED TO THE COLLECTION AND DISTRIBUTION OF 9-1-1 FEES; REVISING MINIMUM RULEMAKING REQUIREMENTS; REVISING LAWS RELATED TO 9-1-1 GRANTS; AND AMENDING SECTIONS 10-4-105, 10-4-106, 10-4-107, 10-4-108, 10-4-201, 10-4-213, 10-4-214, 10-4-305, AND 10-4-306, MCA 1682

457 *(House Bill No. 539; B. Mercer)* REVISING VETO OVERRIDE POLL PROCESS LAWS; REQUIRING THE SECRETARY OF STATE TO CONDUCT A DAILY TALLY OF LEGISLATOR VETO OVERRIDE VOTES DURING THE POLLING PROCESS; AMENDING SECTION 5-4-306, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1687

458 *(House Bill No. 553; G. Nikolakakos)* GENERALLY REVISING LAWS RELATED TO THE MILITARY HIGHER EDUCATION ACT; REQUIRING FACULTY TO PROVIDE A MAKE-UP OPPORTUNITY FOR COURSEWORK MISSED BY AN ELIGIBLE STUDENT BECAUSE

OF INACTIVE DUTY TRAINING OR ANNUAL TRAINING; DEFINING INACTIVE DUTY TRAINING AND ANNUAL TRAINING; REQUIRING THE ELIGIBLE STUDENT TO PROVIDE NOTICE TO THE FACULTY PRIOR TO THE ABSENCE FOR INACTIVE DUTY TRAINING OR ANNUAL TRAINING; AND AMENDING SECTIONS 20-1-603 AND 20-1-604, MCA 1688

459 *(House Bill No. 554; B. Ler)* REMOVING THE REQUIREMENT THAT THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS MANAGE, PROTECT, CLASSIFY, OR REGULATE WOLVES AS GAME ANIMALS OR FURBEARERS; AND AMENDING SECTION 87-5-131, MCA 1689

460 *(House Bill No. 562; J. Darling)* ELIMINATING CERTAIN AGENCY REPORTS; AMENDING SECTIONS 15-70-433, 15-70-450, 17-1-102, 37-1-107, 39-51-706, 53-6-116, 60-3-304, 60-3-309, 61-10-154, 85-1-203, 85-1-501, 87-2-702, AND 90-1-182, MCA; AND REPEALING SECTIONS 5-12-208, 75-1-314, 77-1-820, AND 77-2-366, MCA 1690

461 *(House Bill No. 572; J. Fitzpatrick)* REVISING THE MONTANA CORRECTIONAL ENTERPRISES PRISON INDUSTRIES TRAINING PROGRAM; REQUIRING THE PRISON INDUSTRIES TRAINING PROGRAM TO INCLUDE EDUCATIONAL PROGRAMMING; INCREASING THE ALLOWABLE MAXIMUM SUM OF CONSTRUCTION PROJECTS PERFORMED BY INMATES; ALLOWING THE MONTANA CORRECTIONAL ENTERPRISES PROGRAM TO PROVIDE VOCATIONAL PROGRAMS THAT SUPPORT PRIVATE MARKET DEMAND; ELIMINATING THE REQUIREMENT FOR PRODUCTS AND SERVICES TO BE PROVIDED THROUGH CONTRACTS AND DEALER NETWORKS; DIRECTING THE DEPARTMENT OF CORRECTIONS TO MEET WITH LABOR UNION AND BUILDING TRADES REPRESENTATIVES TO DEVELOP AN PREAPPRENTICESHIP TRAINING PROGRAM FOR INMATES; AMENDING SECTIONS 53-30-131 AND 53-30-132, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE 1700

462 *(House Bill No. 573; D. Bedey)* REVISING LAWS RELATED TO TRANSFORMATIONAL LEARNING; MOVING THE TERMINATION OF THE EXISTING TRANSFORMATIONAL LEARNING GRANT PROGRAM UP BY 1 YEAR; ESTABLISHING A TRANSFORMATIONAL LEARNING PHASE II GRANT PROGRAM AND REQUIREMENTS FOR ADMINISTERING THE PROGRAM FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE BOARD OF PUBLIC EDUCATION; RELOCATING A DEFINITION; AMENDING SECTIONS 20-7-1601 AND 20-7-1602, MCA; AMENDING SECTION 7, CHAPTER 402, LAWS OF 2019; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE 1704

463 *(House Bill No. 578; B. Mercer)* GENERALLY REVISING LAWS RELATED TO RESTITUTION; REMOVING FROM CONSIDERATION AN OFFENDER'S FINANCIAL RESOURCES WHEN SENTENCING RESTITUTION; ALLOWING INFORMATION OF PECUNIARY LOSS OR LOSS OF PROPERTY TO BE PROVIDED TO A PROBATION OFFICER OUTSIDE THE ORDER OF THE COURT; MODIFYING WHEN A COURT MAY GRANT A PETITION TO REVISE RESTITUTION; AND AMENDING SECTIONS 45-5-206, 45-5-503, 45-5-507, 45-5-627, 45-6-101, 46-18-101, 46-18-242, AND 46-18-246, MCA 1709

464 *(House Bill No. 587; G. Parry)* REVISING MINE RECLAMATION LAWS; REVISING THE DEFINITION OF MATERIAL DAMAGE; CLARIFYING HYDROLOGIC AND GEOLOGIC INFORMATION FOR A PERMIT; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 82-4-203 AND 82-4-222, MCA; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.....1716

465 *(House Bill No. 601; S. Howell)* ESTABLISHING A MEDICAID COMMUNITY ASSISTER PORTAL; PROVIDING FOR REQUIRED AND OPTIONAL PORTAL SERVICES; AND PROVIDING A DEFINITION 1727

466 *(House Bill No. 606; B. Barker)* GENERALLY REVISING EDUCATION LAWS RELATED TO SCHOOL DISTRICT REORGANIZATION; CREATING A PATHWAY FOR VARIOUS TYPES OF SCHOOL DISTRICTS TO REORGANIZE TO FORM A UNIFIED K-12 SCHOOL DISTRICT; REQUIRING COUNTY SUPERINTENDENTS OF SCHOOLS TO MODIFY SCHOOL DISTRICT BOUNDARIES WHEN NECESSARY TO ACCOMMODATE REORGANIZATIONS; REPLACING THE WORD CONSOLIDATION WITH REORGANIZATION AS APPLICABLE IN EDUCATION LAWS; AMENDING SECTIONS 20-3-205, 20-3-302, 20-3-312, 20-3-342, 20-6-202, 20-6-314, 20-6-410, 20-6-411, 20-6-413, 20-6-414, 20-6-423, 20-6-424, 20-6-704, 20-9-311, AND 20-9-502, MCA; AND PROVIDING AN EFFECTIVE DATE.....1728

467 *(House Bill No. 611; S. DeMarois)* REVISING THE SALARY OF THE STATE AUDITOR; CLARIFYING THAT THE STATE AUDITOR IS ALSO THE EX OFFICIO COMMISSIONER OF INSURANCE AND SECURITIES; AMENDING SECTION 2-16-405, MCA; AND PROVIDING AN APPLICABILITY DATE 1743

468 *(House Bill No. 665; B. Mercer)* PROVIDING THAT CERTAIN VOLUNTEER OFFICERS OF A SMALL NONPROFIT CORPORATION ARE NOT INDIVIDUALLY LIABLE FOR THE FAILURE OF THE SMALL NONPROFIT CORPORATION TO WITHHOLD TAXES AND FILE CERTAIN STATEMENTS; LIMITING THE EXEMPTION FROM INDIVIDUAL LIABILITY TO 12 MONTHS; PROVIDING A DEFINITION; AND AMENDING SECTION 15-30-2503, MCA.....1744

469 *(House Bill No. 672; C. Sprunger)* GENERALLY REVISING RELOCATION OF UTILITIES LAWS; GRANTING THE DEPARTMENT OF TRANSPORTATION RULEMAKING AUTHORITY TO ADDRESS THE TIMELINESS AND ACCURACY OF UTILITY AND NONUTILITY RELOCATIONS AND INSTALLATIONS; PROVIDING TIMELINES; PROVIDING FOR A REDUCTION IN REIMBURSEMENT FOR RELOCATION, DISMANTLING, AND REMOVAL WHEN A UTILITY OR NONUTILITY FACILITY IS NOT RELOCATED IN A TIMELY MANNER; PROVIDING LIMITED LIABILITY TO THE DEPARTMENT FOR REMOVAL; AMENDING SECTIONS 60-4-402 AND 60-4-403, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.....1745

470 *(House Bill No. 679; M. Thiel)* REVISING PROVISIONS ON THE USE OF STATE-OWNED VEHICLES; EXEMPTING CERTAIN EMPLOYEES OF THE DIVISION OF CRIMINAL INVESTIGATION OF THE DEPARTMENT OF JUSTICE FROM RESTRICTIONS ON COMMUTING FROM AN EMPLOYEE'S RESIDENCE TO A WORKSITE; AMENDING SECTION 2-17-425, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.....1747

471 *(House Bill No. 687; B. Mercer)* REVISING THE AGE OF EXPANDED MEDICAID PARTICIPANTS WHO ARE REQUIRED TO PARTICIPATE IN COMMUNITY ENGAGEMENT ACTIVITIES; AND AMENDING SECTION 53-6-1308, MCA 1748

472 *(House Bill No. 719; B. Mitchell)* REVISING VOTING LAWS RELATED TO AN ELECTOR'S DATE OF BIRTH; REQUIRING AN ELECTOR TO PROVIDE THEIR DATE ON BIRTH WHEN REGISTERING TO VOTE; REQUIRING ABSENTEE ELECTORS TO PROVIDE THEIR DATE OF BIRTH ON THE SIGNATURE ENVELOPE WHEN RETURNING AN ABSENTEE BALLOT; REQUIRING THE ELECTION ADMINISTRATOR TO VERIFY AN ELECTOR'S DATE OF BIRTH BEFORE COUNTING THE ELECTOR'S ABSENTEE BALLOT; AND AMENDING SECTIONS 13-2-110, 13-13-201, 13-13-213, 13-13-232, 13-13-241, 13-13-245, 13-13-246, 13-15-201, 13-17-212, 13-19-106, 13-19-301, 13-19-304, AND 13-19-312, MCA 1750

473 *(House Bill No. 726; N. Nicol)* GENERALLY REVISING SURETY BAIL BOND INSURANCE; REVISING QUALIFICATIONS FOR SURETY BAIL BOND INSURANCE; REVISING SURETY BAIL BOND INSURANCE QUALIFICATIONS AND CONTINUING EDUCATION; PROVIDING FOR DISCLOSURE OF FEES; AND AMENDING SECTIONS 33-17-1601 AND 33-17-1602, MCA 1758

474 *(House Bill No. 740; M. Bertoglio)* GENERALLY REVISING LAWS RELATING TO PHARMACIES, PHARMACY BENEFIT MANAGERS, AND OTHER ENTITIES; PROVIDING LAWS RELATING TO THE RECOUPMENT OF FUNDS; PROVIDING DEFINITIONS; REVISING LAWS RELATED TO MAXIMUM ALLOWABLE COST OR THE REFERENCE PRICE LIST; PROHIBITING CERTAIN FEES; AMENDING SECTIONS 33-2-2005, 33-22-170, 33-22-171, 33-22-172, 33-22-175, AND 33-22-177, MCA; AND PROVIDING AN APPLICABILITY SECTION AND A TERMINATION DATE 1760

475 *(House Bill No. 808; P. Tuss)* PROVIDING FOR THE MONTANA BROWNFIELDS REVITALIZATION ACT; PROVIDING DEFINITIONS; AUTHORIZING THE MONTANA BROWNFIELDS FUND; PROVIDING FOR BROWNFIELD REDEVELOPMENT VIABILITY AND ELIGIBILITY; PROVIDING RULEMAKING AUTHORITY; ELIMINATING THE MONTANA PETROLEUM BROWNFIELDS REVITALIZATION ACT; PROVIDING FOR A TRANSFER OF GENERAL FUNDS; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTIONS 17-7-502 AND 75-11-309, MCA; AND REPEALING SECTIONS 75-11-401, 75-11-402, 75-11-403, 75-11-407, 75-11-408, AND 75-11-409, MCA 1766

476 *(House Bill No. 45; K. Zolnikov)* GENERALLY REVISING TELECOMMUNICATION REGULATION LAWS; ELIMINATING PUBLIC SERVICE COMMISSION RATE REGULATION; ELIMINATING THE MONTANA STATE UNIVERSAL FUND; REPEALING THE PERFORMANCE ASSURANCE PLAN STATE ACCOUNT AND THE ASSOCIATED STATUTORY APPROPRIATION; EXEMPTING INTERNET PROTOCOL-ENABLED SERVICES; AMENDING SECTIONS 15-53-129, 17-7-502, 69-3-225, 69-3-302, 69-3-305, 69-3-803, AND 69-3-805, MCA; REPEALING SECTIONS 69-3-808, 69-3-809, 69-3-810, 69-3-821, 69-3-841, 69-3-842, 69-3-843, 69-3-844, 69-3-845, 69-3-846, 69-3-870, 69-3-901, 69-3-902, 69-3-903, 69-3-904, 69-3-906, 69-3-907, AND 69-3-910, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1774

477 *(House Bill No. 62; J. Darling)* GENERALLY REVISING LAWS RELATED TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEMS ADMINISTERED BY THE PUBLIC EMPLOYEES' RETIREMENT BOARD; PROVIDING FOR RETIREMENT FROM NONLEGISLATIVE EMPLOYMENT; REVISING THE POST-TERMINATION DEADLINE TO APPLY FOR DISABILITY RETIREMENT; PROVIDING THAT DUTY-RELATED DISABILITY RETIREMENT BENEFITS DO NOT CONVERT TO NORMAL RETIREMENT ON REACHING NORMAL RETIREMENT AGE; ASSESSING INTEREST ON PAYROLL REPORTING ERRORS THAT REQUIRE RETROACTIVE CONTRIBUTIONS; PRORATING SERVICE PURCHASES WHEN A MEMBER STOPS MAKING INSTALLMENT PAYMENTS; REMOVING THE PROVISION ALLOWING THE RENOUNCEMENT OF BENEFITS; CLARIFYING THAT DISABILITY RETIREMENT BENEFITS CANNOT BEGIN PRIOR TO THE COMPLETION OF AN APPLICATION; CLARIFYING THE APPLICATION OF EXCESS EARNINGS FOR CALCULATION OF HIGHEST AND FINAL AVERAGE COMPENSATION; REVISING REQUIRED MINIMUM DISTRIBUTION AND INHERITED ACCOUNT REQUIREMENTS TO COMPLY WITH FEDERAL LAW; DEFINING ALLOWANCE; REVISING THE DEFINITION OF COMPENSATION; EXEMPTING RETIRED MEMBERS UNDER SUBPOENA IN LEGAL PROCEEDINGS RELATED TO PRIOR EMPLOYMENT FROM WORKING RETIREE PROVISIONS; REVISING THE EXCLUSION OF BONUSES FROM COMPENSATION IN THE JUDGES' RETIREMENT SYSTEM, THE HIGHWAY PATROL OFFICERS' RETIREMENT SYSTEM, THE GAME WARDENS' AND PEACE OFFICERS' RETIREMENT SYSTEM, THE MUNICIPAL POLICE OFFICERS' RETIREMENT SYSTEM, AND THE FIREFIGHTERS' UNIFIED RETIREMENT SYSTEM; ALIGNING WORKING RETIREE LIMITS IN THE SHERIFFS' RETIREMENT SYSTEM WITH SIMILAR PROVISIONS IN OTHER RETIREMENT SYSTEMS; CLARIFYING THAT TERMINATION OF SERVICE IS NECESSARY PRIOR TO RETIREMENT FROM THE GAME WARDENS' AND PEACE OFFICERS' RETIREMENT SYSTEM; CLARIFYING THE SURVIVORSHIP BENEFIT TO BENEFICIARIES OF INACTIVE MEMBERS OF THE FIREFIGHTERS' UNIFIED RETIREMENT SYSTEM WITH LESS THAN 20 YEARS OF SERVICE; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 5-2-304, 19-2-303, 19-2-406, 19-2-506, 19-2-704, 19-2-801, 19-2-908, 19-2-1005, 19-2-1007, 19-3-108, 19-3-412, 19-3-505, 19-3-1103, 19-3-1106, 19-5-101, 19-5-802, 19-6-101, 19-7-101, 19-7-1101, 19-8-101, 19-8-601, 19-8-1003, 19-9-104, 19-9-1101, 19-13-104, AND 19-13-902, MCA; AND PROVIDING EFFECTIVE DATES 1784

478 *(House Bill No. 70; S. Gist)* REQUIRING A STUDY OF STATE FIRE SUPPRESSION ISSUES, METHODS, AND COSTS; PROVIDING AN APPROPRIATION; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE..... 1808

479 *(House Bill No. 100; B. Mercer)* GENERALLY REVISING PUBLIC RECORD LAWS; ESTABLISHING REQUIREMENTS AND DEADLINES FOR PUBLIC AGENCIES THAT ARE NOT LOCAL GOVERNMENTS; GENERALLY REVISING FEES FOR PUBLIC INFORMATION REQUESTS; ESTABLISHING A 2-YEAR RETENTION PERIOD OF INFORMATION REQUESTS AND RESPONSES FOR PUBLIC AGENCIES THAT ARE NOT LOCAL GOVERNMENTS; ESTABLISHING THE FEES

THAT A PUBLIC AGENCY MAY CHARGE WHEN RESPONDING TO PUBLIC INFORMATION REQUESTS; PROVIDING THAT THE FIRST HOUR OF SERVICE NOT BE CHARGED; ESTABLISHING AN HOURLY FEE LIMIT; ALLOWING A PERSON TO FILE AN ACTION IN DISTRICT COURT IF A PUBLIC AGENCY THAT IS NOT A LOCAL GOVERNMENT FAILS TO MEET THE RESPONSE DEADLINE; AMENDING SECTIONS 2-6-1006 AND 2-6-1009, MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE.....1810

480 *(House Bill No. 192; J. Darling)* INCREASING THE FEES CHARGED BY A COUNTY CLERK AND RECORDER FOR RECORDING DOCUMENTS; INCREASING THE DEPOSIT IN THE RECORDS PRESERVATION FUND, THE COUNTY LAND INFORMATION ACCOUNT, AND THE MONTANA GEOSPATIAL INFORMATION ACCOUNT; PROVIDING FOR THE FEE TO INCREASE BIENNIALLY BY AN INFLATION FACTOR; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 7-4-2632, 7-4-2635, AND 7-4-2637, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE 1817

481 *(House Bill No. 225; E. Tilleman)* REVISING LAWS RELATED TO HOME INSPECTIONS; ALIGNING THE HOME INSPECTION PROGRAM WITH OTHER DEPARTMENTAL LICENSING PROGRAMS; PROVIDING DEFINITIONS; PROVIDING FEES; PROVIDING RULEMAKING AUTHORITY; REVISING LAW RELATED TO HOME INSPECTION LICENSURE; INCREASING THE MINIMUM COVERAGE AMOUNT FOR ERRORS AND OMISSIONS INSURANCE; PROVIDING STANDARDS FOR THE PRACTICE OF HOME INSPECTIONS; AMENDING SECTIONS 37-1-401, 39-9-101, 39-9-102, 39-9-206, 39-9-207, 39-9-301, AND 39-9-303, MCA; REPEALING SECTIONS 39-9-212 AND 39-9-213, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.....1818

482 *(House Bill No. 252; L. Jones)* GENERALLY REVISING SCHOOL FUNDING LAWS; ENHANCING THE SCHOOL FUNDING FORMULA THROUGH INCENTIVES AND A HOUSING COST BUDGET AUTHORITY INCREASE; REVISING THE INCENTIVE TO INCREASE TEACHER BASE SALARIES; ESTABLISHING A NEW INCENTIVE RELATED TO RESOURCE SHARING AMONG SCHOOL DISTRICTS; EXPANDING THE TYPES OF EDUCATIONAL ENTITIES THAT CAN RECEIVE INCENTIVES FOR MEETING STARTING TEACHER PAY BENCHMARKS; RENAMING AND REVISING THE QUALITY EDUCATOR FUNDING COMPONENT; RESTORING FULL FUNDING TO THE ADVANCED OPPORTUNITIES PROGRAM; INCLUDING DISTRICT CLERKS PERFORMING CERTAIN FUNCTIONS IN THE QUALITY EDUCATOR AND QUALIFIED STAFF FUNDING COMPONENT; INCLUDING CERTAIN INDIVIDUALS WORKING UNDER AN EMERGENCY AUTHORIZATION IN THE QUALITY EDUCATOR AND QUALIFIED STAFF FUNDING COMPONENT; ESTABLISHING A NEW K-12 BASE AID FUTURE READY FUNDING COMPONENT RELATED TO POSTGRADUATION PREPARATION; PROVIDING INCREASED BUDGET AUTHORITY FOR CERTAIN SCHOOL DISTRICTS IMPACTED BY HIGH HOUSING COSTS FOR USE IN ADDRESSING THOSE COSTS; REQUIRING THE LEGISLATIVE FISCAL ANALYST TO CREATE A SCHOOL FUNDING DATA DASHBOARD; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 20-3-325, 20-6-326, 20-6-812, 20-7-102, 20-7-1404, 20-7-1503, 20-7-1506, 20-7-1602, 20-9-306,

20-9-324, 20-9-327, 20-9-344, AND 20-9-366, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE 1824

483 *(House Bill No. 427; K. Zolnikov)* REQUIRING THE DEPARTMENT OF LABOR AND INDUSTRY OR A LOCAL BUILDING DEPARTMENT TO PROVIDE THE TEXT OR CITATION OF THE SPECIFIC SECTIONS OF THE BUILDING CODE RELIED ON TO DELAY A PERMIT APPLICATION OR STOP A CONSTRUCTION PROJECT; PROVIDING A REMEDY; AND CREATING A CAUSE OF ACTION 1847

484 *(House Bill No. 532; B. Mercer)* GENERALLY REVISING LAWS RELATED TO THE ABUSE, NEGLECT, OR EXPLOITATION OF INCAPACITATED PERSONS AND VULNERABLE ADULTS; PROVIDING FOR A CRIME OF ABUSE, SEXUAL ABUSE, OR NEGLECT; PROVIDING FOR A CRIME OF FAILURE TO REPORT OR FALSE REPORTING; PROVIDING FOR A CRIME OF EXPLOITATION; REVISING CRIMES RELATED TO THEFT OF IDENTITY; PROVIDING DEFINITIONS; AMENDING SECTIONS 44-15-103, 45-6-332, 46-16-222, 46-18-104, 46-18-111, 46-23-502, 46-23-509, AND 52-3-803, MCA; AND REPEALING SECTIONS 45-6-333 AND 52-3-825, MCA 1848

485 *(House Bill No. 533; C. Schomer)* REQUIRING INSURERS THAT USE A WILDFIRE RISK SCORE TO PROVIDE THE REQUESTER WITH CERTAIN INFORMATION TO ENHANCE TRANSPARENCY; PROVIDING TIMELINES FOR THE INSURER TO RESPOND; AND PROVIDING DEFINITIONS 1861

486 *(House Bill No. 534; C. Sprunger)* PROVIDING THAT AN ELIGIBLE WATER AND/OR SEWER DISTRICT MAY CONNECT TO A WATER OR WASTEWATER SYSTEM BEYOND ITS RATED CAPACITY IF AUTHORIZED BY AN APPROVED DEVELOPMENT PLAN; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 75-6-102, 75-6-104, 75-6-130, 76-3-103, 76-3-507, 76-4-102, 76-4-120, AND 76-8-101, MCA 1862

487 *(House Bill No. 543; E. Buttrey)* REPEALING THE SUNSET ON REPORTING AND DISCLOSURE OF VIOLENCE AGAINST HEALTH CARE EMPLOYEES; REPEALING SECTION 4, CHAPTER 516, LAWS OF 2023; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1872

488 *(House Bill No. 549; K. Seekins-Crowe)* GENERALLY REVISING ALCOHOLIC BEVERAGE LAWS; ALLOWING A MONTANA DISTILLERY LICENSEE TO MARKET AND SELL INTERESTS IN AGING LIQUOR THROUGH WAREHOUSE RECEIPTS; ALLOWING THE RESALE OF LIQUOR WAREHOUSE RECEIPTS; ALLOWING MANAGEMENT AND BROKERING OF WAREHOUSE RECEIPT SALES; PROVIDING THAT OWNERSHIP OF WAREHOUSE RECEIPTS FOR LIQUOR DOES NOT CONSTITUTE AN OWNERSHIP INTEREST IN THE DISTILLERY BUSINESS OR LICENSEE; AMENDING SECTIONS 16-4-312 AND 16-4-401, MCA; AND PROVIDING AN EFFECTIVE DATE 1872

489 *(House Bill No. 561; J. Darling)* REPEALING LAWS RELATING TO COUNTY LICENSING OF ITINERANT VENDORS; AND REPEALING SECTIONS 7-21-2301, 7-21-2302, 7-21-2303, 7-21-2304, 7-21-2305, 7-21-2306, 7-21-2307, 7-21-2308, 7-21-2309, AND 7-21-2310, MCA 1877

490 *(House Bill No. 563; S. Fitzpatrick)* PROTECTING THE FILING OF OR PARTICIPATION IN LICENSING COMPLAINT INVESTIGATIONS; VOIDING CONTRACTS BARRING THE FILING OF OR PARTICIPATION

IN LICENSING COMPLAINT INVESTIGATIONS; ESTABLISHING UNPROFESSIONAL CONDUCT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1878

491 *(House Bill No. 566; M. Bertoglio)* REVISING THE DECENNIAL VETERANS' LONG-TERM CARE NEEDS STUDY; MOVING PRIMARY RESPONSIBILITY FOR THE SURVEY FROM THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO THE MONTANA VETERANS' AFFAIRS DIVISION; REQUIRING THE INVOLVEMENT OF STAKEHOLDERS; REQUIRING THE PREPARATION OF A STUDY PLAN AND BUDGET ESTIMATE; REVISING REPORTING REQUIREMENTS; AND AMENDING SECTIONS 10-2-901, 10-2-902, AND 10-2-903, MCA 1878

492 *(House Bill No. 567; B. Barker)* GENERALLY REVISING LAWS RELATED TO MULTIDISTRICT AGREEMENTS BETWEEN SCHOOL DISTRICTS; INCREASING THE FLEXIBILITY OF SCHOOL DISTRICTS TO ENTER INTO MULTIDISTRICT AGREEMENTS; PROVIDING A COUNTYWIDE RESOURCE-SHARING INCENTIVE THROUGH THE TOTAL QUALITY EDUCATOR PAYMENT FOR SCHOOL DISTRICTS THAT ESTABLISH CERTAIN MULTIDISTRICT AGREEMENTS WITH ALL DISTRICTS IN A COUNTY; ALLOWING MULTIDISTRICT AGREEMENTS TO INCLUDE PRIVATE ENTITIES; AMENDING SECTIONS 20-3-363 AND 20-9-306, MCA; AND PROVIDING AN EFFECTIVE DATE 1880

493 *(House Bill No. 568; C. Sprunger)* ESTABLISHING THE MONTANA HUNTERS FIRST ACT; CREATING A STUDY OF IMPACTS ON MONTANA'S HUNTING SEASONS RELATED TO BLOCK MANAGEMENT, SEASON STRUCTURE, AND RESIDENT AND NONRESIDENT LICENSE ALLOCATION; ASSIGNING RESPONSIBILITY FOR THE STUDY TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; DEFINING THE SCOPE OF THE STUDY; REQUIRING A PUBLISHED REPORT THAT INCLUDES RECOMMENDATIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE 1885

494 *(House Bill No. 571; S. Klakken)* REVISING AERONAUTICS LAWS RELATED TO THE USE OF AUTOMATIC DEPENDENT SURVEILLANCE-BROADCASTS; AND PROVIDING DEFINITIONS 1886

495 *(House Bill No. 574; J. Gillette)* AUTHORIZING IMPLEMENTATION OF THE CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC MODEL; ESTABLISHING DUTIES OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; ESTABLISHING REQUIREMENTS AND PERFORMANCE MEASURES FOR CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC SERVICES; ESTABLISHING REPORTING REQUIREMENTS; DIRECTING THE DEPARTMENT TO DEVELOP AN INCENTIVE PROGRAM FOR CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS THAT DEMONSTRATE EXCEPTIONAL OUTCOMES; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1887

496 *(House Bill No. 576; J. Gillette)* REVISING FUNDING FOR MEDICAID AND HEALTH AND SUPPORT SERVICES TO CHILDREN AND TO ADULTS WHO ARE AGED, BLIND, OR DISABLED; ALLOWING TOBACCO SETTLEMENT PROCEEDS AND STATE SPECIAL REVENUE FUNDS TO BE USED FOR CERTAIN MEDICAID AND HEALTH AND SUPPORT SERVICES; AND AMENDING SECTIONS 17-6-606 AND 53-4-1115, MCA 1889

497 *(House Bill No. 580; J. Seckinger)* CLARIFYING WATER RIGHT ABANDONMENT LAWS TO ADDRESS A REDUCTION IN USE OR THE NONUSE OF AN APPROPRIATION RIGHT DURING PERIODS OF DROUGHT; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTION 85-2-404, MCA 1891

498 *(House Bill No. 582; B. Mercer)* REVISING LAWS RELATED TO SENTENCING; ALLOWING THE DISTRICT COURT TO DENY ELAPSED TIME CREDIT FOR REVOCATION PROCEEDINGS REGARDING MULTIPLE VIOLATIONS; PROVIDING THAT OFFENDERS ARE ELIGIBLE FOR CREDIT FOR TIME SERVED PRIOR TO SENTENCING AS LONG AS THE CUSTODY TO BE CREDITED IS ATTRIBUTABLE TO PROCEEDINGS RELATED TO THE SAME CONDUCT FOR WHICH THE DEFENDANT HAS BEEN CONVICTED; AMENDING SECTIONS 46-18-201, 46-18-203, AND 46-18-403, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE 1892

499 *(House Bill No. 589; J. Gillette)* GENERALLY REVISING PEACE OFFICER EDUCATION STANDARDS; PROVIDING THAT A QUALIFIED LAW ENFORCEMENT ACADEMY MAY PROVIDE THE PEACE OFFICER BASIC COURSE EDUCATION REQUIREMENT; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 2-15-2029 AND 7-32-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1898

500 *(House Bill No. 636; J. Etchart)* GENERALLY REVISING MARIJUANA LAWS; RESTRICTING EDIBLE MARIJUANA PRODUCT THC SERVING SIZE AND SERVINGS A PACKAGE; AMENDING SECTION 16-12-224, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE 1901

501 *(House Bill No. 668; E. Buttrey)* REVISING ALCOHOL LAWS TO PROHIBIT THE LICENSE OF AN ENLISTED PERSONS', NONCOMMISSIONED OFFICERS', OR OFFICERS' CLUB LOCATED ON A STATE OR FEDERAL MILITARY RESERVATION OR A POST OF A NATIONALLY CHARTERED VETERANS' ORGANIZATION OR A LODGE OF A RECOGNIZED NATIONAL FRATERNAL ORGANIZATION FROM OFFERING GAMBLING AS PROVIDED UNDER TITLE 23, CHAPTER 5, PARTS 3, 5, OR 6; AMENDING SECTION 23-5-119, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1903

502 *(House Bill No. 693; B. Mercer)* PROVIDING REQUIREMENTS FOR MULTIJUDGE DISTRICTS WITH SPECIALIZED DOCKETS; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTION 3-5-403, MCA 1904

503 *(House Bill No. 696; G. Parry)* ESTABLISHING LEGISLATIVE APPROVAL OF THE SITING OF URANIUM CONVERSION AND ENRICHMENT FACILITIES FOR URANIUM MINED AND MILLED WITHIN THE STATE OR TRANSPORTED FROM A LOCATION MINED AND MILLED NOT WITHIN THE BOUNDARIES OF THE STATE; AMENDING SECTION 75-20-204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1904

504 *(House Bill No. 699; B. Mercer)* GENERALLY REVISING LAWS RELATED TO THE METAL MINE TAILINGS IMPOUNDMENT PANEL; REVISING THE MEMBERSHIP, QUALIFICATIONS, AND DUTIES OF AN INDEPENDENT REVIEW PANEL FOR A METAL MINE TAILINGS IMPOUNDMENT PLAN; REVISING A DEFINITION; PROVIDING FOR A WRITTEN REPORT FROM A REVIEW PANEL; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 82-4-303,

82-4-335, 82-4-337, 82-4-377, AND 82-4-380, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.....1906

505 *(House Bill No. 703; C. Schomer)* EXEMPTING CERTAIN AGENCIES AND DEPARTMENTS FROM AN ANALYSIS OF GREENHOUSE GAS EMISSIONS FROM APPLIANCES, VEHICLES, AND ENGINES; AND PROVIDING RULEMAKING AUTHORITY 1917

506 *(House Bill No. 707; J. Gillette)* PROVIDING THAT THE DEPARTMENT OF CORRECTIONS SHALL CONSIDER AN INMATE'S FAMILY ATTACHMENTS WHEN MAKING OUT-OF-STATE PLACEMENTS; AND AMENDING SECTION 53-30-106, MCA.....1918

507 *(House Bill No. 708; G. Nikolakakos)* ALLOWING ALL PERSONS SERVING IN A RESERVE COMPONENT TO BE ELIGIBLE FOR CERTAIN COMMERCIAL DRIVER'S LICENSE WAIVERS; AND AMENDING SECTION 61-5-123, MCA 1919

508 *(House Bill No. 711; B. Ler)* PROHIBITING THE SUPREME COURT FROM SELECTING CERTAIN INDIVIDUALS AS THE PRESIDING OFFICER OF THE DISTRICTING AND APPORTIONMENT COMMISSION; AND AMENDING SECTION 5-1-102, MCA.....1920

509 *(House Bill No. 712; B. Carter)* GENERALLY REVISING RESTITUTION LAWS; REQUIRING A PERSON CONVICTED OF THE OFFENSE OF VEHICULAR HOMICIDE WHILE UNDER THE INFLUENCE TO PAY RESTITUTION FOR THE SUPPORT OF EACH MINOR CHILD WHOSE PARENT OR GUARDIAN WAS THE VICTIM OF THE OFFENSE; PROVIDING EXCEPTIONS; AND AMENDING SECTIONS 45-5-106, 46-18-201, AND 46-18-241, MCA.....1921

510 *(House Bill No. 713; L. Brewster)* REVISING MUNICIPAL ZONING LAWS; PROVIDING FOR METHODS TO ESTABLISH, AMEND, OR REPEAL CERTAIN REGULATIONS, RESTRICTIONS, OR BOUNDARIES; REPEALING A METHOD OF PROTEST FOR ALTERING ZONING REGULATIONS; AMENDING SECTION 76-2-303, MCA; AND REPEALING SECTION 76-2-305, MCA.....1926

511 *(House Bill No. 714; L. Brewster)* REVISING LAWS RELATED TO THE DIVISIONS OF LAND THAT ARE EXEMPT FROM SUBDIVISION REVIEW; REQUIRING A GOVERNING BODY TO REVIEW CERTAIN DIVISIONS AND AGGREGATIONS OF LAND; REQUIRING A GOVERNING BODY TO USE AN AFFIDAVIT FORM PROVIDED BY THE ATTORNEY GENERAL WHEN DETERMINING WHETHER AN APPLICANT INTENDS TO EVADE THE REQUIREMENTS; INCREASING A FINE; PROVIDING DEFINITIONS; AMENDING SECTION 76-3-207, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1927

512 *(House Bill No. 716; A. Griffith)* REVISING LAWS CONCERNING COUNTY WATER AND SEWER DISTRICTS; CLARIFYING THE TYPE OF REAL PROPERTY OWNERSHIP THAT QUALIFIES AN INDIVIDUAL TO BE A MEMBER ON THE BOARD OF DIRECTORS; AMENDING SECTION 7-13-2233, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE....1930

513 *(House Bill No. 717; J. Fitzpatrick)* REVISING THE TRANSFER OF A MINING OPERATION TO A SUCCESSOR OPERATOR; PROVIDING FOR THE USE OF EMINENT DOMAIN POWERS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 82-4-340 AND 82-4-341, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.....1930

514 *(House Bill No. 718; K. Seekins-Crowe)* ESTABLISHING AN OFFICE OF REENTRY SERVICES IN THE DEPARTMENT OF LABOR AND INDUSTRY; ESTABLISHING A PURPOSE AND DUTIES OF THE OFFICE; PROVIDING THAT THE OFFICE OF REENTRY SERVICES SHALL COLLABORATE WITH STATE AGENCIES, COMPANIES, AND STAKEHOLDER ORGANIZATIONS; ESTABLISHING REPORTING REQUIREMENTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1934

515 *(House Bill No. 720; N. Nicol)* GENERALLY REVISING BOARD OF MASSAGE THERAPY MEMBER QUALIFICATIONS; AND AMENDING SECTION 2-15-1782, MCA 1936

516 *(House Bill No. 721; C. Schomer)* GENERALLY REVISING LAWS RELATED TO THE REGISTERED APPRENTICESHIP PROGRAM; REVISING DUTIES OF THE DEPARTMENT OF LABOR AND INDUSTRY FOR THE REGISTERED APPRENTICESHIP PROGRAM; REVISING ALLOWABLE CREDIT FOR PRIOR TRAINING OR EXPERIENCE; CLARIFYING VOLUNTARY PARTICIPATION OF EMPLOYERS IN THE REGISTERED APPRENTICESHIP PROGRAM AND ITS PROVISIONS; AND AMENDING SECTIONS 39-6-101, 39-6-103, 39-6-106, AND 39-6-107, MCA 1936

517 *(House Bill No. 723; L. Deming)* ESTABLISHING ANNUAL REPORTING REQUIREMENTS BY MEDICAL FACILITIES OF INFANTS BORN ALIVE; PROVIDING REQUIREMENTS FOR REPORTS; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO PUBLISH AN ANNUAL REPORT; AND PROVIDING RULEMAKING AUTHORITY 1938

518 *(House Bill No. 732; D. Bedey)* ESTABLISHING THE PROMPT COST REPORT REIMBURSEMENT ACT; GENERALLY REVISING THE RETROACTIVE ADJUSTMENT PROCESS BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES FOR COST REPORTS SUBMITTED BY CRITICAL ACCESS HOSPITALS; PROVIDING AN APPROPRIATION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE 1939

519 *(House Bill No. 735; S. Fitzpatrick)* GENERALLY REVISING ALCOHOL LICENSE LAWS; PROVIDING DEFINITIONS; PROVIDING LICENSED ENTITIES THAT MUST HAVE APPLICANTS SUBMIT FINGERPRINTS; AMENDING SECTIONS 16-1-106 AND 16-4-414, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1941

520 *(House Bill No. 736; S. Fitzpatrick)* PROVIDING FOR NUTRIENT LOADING OFFSETS, OFFSET AMOUNTS, AND TRADING CREDITS FOR WATER QUALITY DISCHARGE PERMITS; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1947

521 *(House Bill No. 739; E. Byrne)* REVISING LAWS REGARDING AGRICULTURAL VEHICLES; REQUIRING MOTOR VEHICLES TO SLOW DOWN WHEN APPROACHING AN AGRICULTURAL VEHICLE; REQUIRING AN AGRICULTURAL VEHICLE TO MOVE OVER WHEN SAFE TO ALLOW VEHICLES TO PASS; AND PROVIDING DEFINITIONS 1948

522 *(House Bill No. 742; S. Gist)* REVISING LOCAL GOVERNMENT NUISANCE LAWS; REQUIRING A MINIMUM COMPLAINT THRESHOLD BEFORE A COUNTY OFFICER MAY CONDUCT SITE INSPECTIONS; FURTHER

DEFINING PUBLIC NUISANCE; AMENDING SECTIONS 7-5-2111 AND 7-5-4104, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE 1949

523 *(House Bill No. 743; B. Mercer)* ESTABLISHING REPORTING REQUIREMENTS RELATED TO ALLEGATIONS OF EXPLOITATION; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO FORWARD MATERIALS PERTAINING TO AN ALLEGED OFFENSE OF EXPLOITATION OF AN INCAPACITATED PERSON OR VULNERABLE ADULT TO THE COUNTY ATTORNEY; REQUIRING EACH COUNTY ATTORNEY AND THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO REPORT TO THE ATTORNEY GENERAL; REVISING THE CONTENT OF REPORTS; AND AMENDING SECTION 52-3-812, MCA 1950

524 *(House Bill No. 744; M. Nikolakakos)* PROVIDING FOR SPEECH-LANGUAGE PATHOLOGY AIDES AND AUDIOLOGY AIDES; PROVIDING THAT A SPEECH-LANGUAGE PATHOLOGY AIDE OR AUDIOLOGY AIDE IS NOT REQUIRED TO BE LICENSED; PROVIDING REQUIREMENTS FOR A SPEECH-LANGUAGE PATHOLOGY AIDE OR AUDIOLOGY AIDE; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 37-15-301, MCA; AND PROVIDING EFFECTIVE DATES AND A CONTINGENT TERMINATION DATE 1953

525 *(House Bill No. 752; L. Schubert)* PROHIBITING CONTENT PROVIDERS FROM ALLOWING ACCESS TO CHILD SEXUAL ABUSE MATERIAL IN MONTANA; PROVIDING A VICTIM THE RIGHT TO BRING AN ACTION; PROVIDING FOR A PRIVATE RIGHT OF ACTION; PROVIDING A STATUTE OF LIMITATIONS; PROVIDING REMEDIES AND APPORTIONMENT OF DAMAGES; PROVIDING DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE 1955

526 *(House Bill No. 759; R. Gregg)* GENERALLY REVISING CAMPAIGN FINANCE LAWS; PROVIDING LIMITATIONS THAT ONLY A LIMITED LIABILITY COMPANY THAT IS TAXED AS A SOLE PROPRIETORSHIP OR A PARTNERSHIP, OR A PARTNERSHIP TAXED AS A PARTNERSHIP, MAY MAKE CONTRIBUTIONS TO A CANDIDATE AND THAT THE CONTRIBUTIONS MUST BE REPORTED UNDER THE NAME OF THE MEMBER OR PARTNER MAKING THE CONTRIBUTION; AND CLARIFYING CONTRIBUTION LIMITS 1958

527 *(House Bill No. 763; J. Seckinger)* GENERALLY REVISING LAWS RELATED TO THE BLOCK MANAGEMENT PROGRAM; ALLOWING THE FISH AND WILDLIFE COMMISSION TO ADOPT SIMPLIFIED RULES FOR AGREEMENTS THAT ONLY PROVIDE ACCESS TO ADJACENT PUBLIC LANDS; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTION 87-1-265, MCA 1959

528 *(House Bill No. 764; B. Close)* REVISING PUBLIC TRANSIT LAWS; PROVIDING THAT A COUNTY COMMISSION MAY INITIATE THE PROCESS TO CREATE OR EXPAND AN URBAN TRANSPORTATION DISTRICT BY RESOLUTION; REQUIRING URBAN TRANSPORTATION DISTRICTS TO SHOW AREAS ADDED TO THE DISTRICT; ALLOWING AN AREA THAT HAS NOT RECEIVED DIRECT TRANSPORTATION SERVICE FOR 5 YEARS TO BE REMOVED WITHOUT BEING SUBJECT TO EXISTING INDEBTEDNESS; PROVIDING THAT A MUNICIPAL BUS SERVICE MAY EXCEED 8 MILES FROM THE LOCAL BOUNDARY UNDER CERTAIN CIRCUMSTANCES; PROVIDING A DEFINITION;

AND AMENDING SECTIONS 7-14-202, 7-14-203, 7-14-205, 7-14-206, 7-14-207, 7-14-208, 7-14-209, 7-14-210, 7-14-241, 7-14-4401, 7-14-4402, 7-14-4403, 7-14-4404, AND 7-14-4405, MCA 1961

529 *(House Bill No. 767; J. Darling)* REVISING COUNTY PREDATOR CONTROL LAWS TO INCLUDE GOATS; AUTHORIZING COUNTY COMMISSIONERS TO ESTABLISH A PREDATORY ANIMAL CONTROL PROGRAM FOR THE PROTECTION OF GOATS; AUTHORIZING A PER CAPITA LICENSE FEE ON GOATS; REVISING COUNTY PREDATOR CONTROL LAWS TO ALIGN THE AGE THRESHOLD OF PER CAPITA ANNUAL ASSESSMENT OF LIVESTOCK; PROVIDING FOR THE DEPOSIT OF PROCEEDS FROM THE SALE OF PREDATORY ANIMAL SKINS TAKEN; PROVIDING FOR LOCAL GOAT OWNERS TO PETITION FOR AND MAKE RECOMMENDATIONS TO THE PREDATORY ANIMAL CONTROL PROGRAM; PROVIDING DEFINITIONS; AND AMENDING SECTIONS 81-7-303 AND 81-7-603, MCA 1964

530 *(House Bill No. 785; T. Falk)* REVISING LAWS RELATED TO CONSIDERATION OF MANUFACTURED HOMES AS IMPROVEMENTS TO REAL PROPERTY; PROVIDING AN ALTERNATE PROCESS TO BE CONSIDERED AS IMPROVEMENTS TO REAL PROPERTY FOR CERTAIN MANUFACTURED HOMES WITH MISSING IDENTIFICATION TAGS; AMENDING SECTION 15-1-116, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1967

531 *(House Bill No. 791; A. Nicastro)* GENERALLY REVISING NUISANCE LAWS; REVISING THE DEFINITION OF PUBLIC NUISANCE; PROVIDING FOR PREEMPTION; REVISING LAWS RELATING TO LIABILITIES FOR PUBLIC NUISANCES; PROVIDING FOR PUBLIC NUISANCE ACTIONS BY THE GOVERNMENT; PROVIDING FOR A PRIVATE CAUSE OF ACTION FOR A PUBLIC NUISANCE; PROVIDING FOR ABATEMENT OF A PUBLIC NUISANCE BY THE GOVERNMENT; PROVIDING FOR PRIVATE NUISANCES, FOR LIABILITIES OF PRIVATE NUISANCES, AND FOR REMEDIES FOR PRIVATE NUISANCES; PROVIDING FOR EMERGENCY ABATEMENT OF PRIVATE NUISANCES BY INJURED PERSONS; AMENDING SECTIONS 27-30-101 AND 27-30-204, MCA; REPEALING SECTIONS 27-30-102, 27-30-103, 27-30-104, 27-30-105, 27-30-201, 27-30-202, 27-30-203, 27-30-301, AND 27-30-302, MCA; AND PROVIDING APPLICABILITY DATES 1968

532 *(House Bill No. 792; M. Cunningham)* GENERALLY REVISING LAWS RELATED TO MARIJUANA LABELING AND EDUCATION; REQUIRING WARNING POSTERS AT POINTS OF MARIJUANA SALE; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 16-12-112 AND 16-12-215, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE 1973

533 *(House Bill No. 793; G. Kmetz)* REVISING THE MEMBERSHIP OF THE PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL; AMENDING SECTION 44-4-402, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1975

534 *(House Bill No. 796; G. Oblander)* REVISING LAWS RELATED TO COMPULSORY HEALTH CARE SHARING OF RECORDS; CLARIFYING THAT A PROFESSIONAL LICENSING BOARD OR PROGRAM MAY REQUEST HEALTH CARE INFORMATION PURSUANT TO AN ADMINISTRATIVE SUBPOENA FOR INVESTIGATIVE AND DISCIPLINARY PURPOSES; AND AMENDING SECTIONS 50-16-535 AND 50-16-811, MCA 1975

535 *(House Bill No. 804; S. Fitzpatrick)* REVISING LAWS RELATED TO LOBBYING; INCREASING THE PAYMENT THRESHOLD TO $3,000 FOR LOBBYISTS; REVISING WHEN AND HOW THE COMMISSIONER ADJUSTS THE PAYMENT THRESHOLD FOR LOBBYISTS TO ACCOUNT FOR INFLATION; REQUIRING ELECTRONIC REPORTS; PROVIDING THAT A PRINCIPAL IS REQUIRED TO FILE A REPORT BASED ON THE PAYMENT THRESHOLD PROVIDED IN 5-7-112; AND AMENDING SECTIONS 5-7-112 AND 5-7-208, MCA 1977

536 *(House Bill No. 806; C. Sprunger)* GENERALLY REVISING LAWS RELATED TO DIETITIANS AND NUTRITIONISTS; REVISING THE BOARD OF MEDICAL EXAMINERS; PROVIDING DEFINITIONS; PROVIDING LICENSURE REQUIREMENTS; REQUIRING CRIMINAL BACKGROUND CHECKS FOR LICENSURE OF DIETITIANS AND NUTRITIONISTS; PROVIDING EXEMPTIONS; PROVIDING FOR PERMITS; AMENDING SECTIONS 2-15-1731, 20-4-502, 20-9-327, 37-25-101, 37-25-102, 37-25-201, 37-25-303, 37-25-304, AND 37-25-305, MCA; AND REPEALING SECTIONS 37-25-301 AND 37-25-302, MCA 1979

537 *(House Bill No. 809; B. Mitchell)* PROHIBITING LOCAL GOVERNMENTS FROM ENACTING OR ENFORCING AN EXTREME RISK PROTECTION ORDER; PROHIBITING LOCAL GOVERNMENTS FROM RECEIVING FUNDS RELATED TO EXTREME RISK PROTECTION ORDERS; AND AMENDING SECTION 7-1-111, MCA 1986

538 *(House Bill No. 823; B. Barker)* REVISING THE STATE PLAN COMMITTEE; ADDING MEMBERS TO THE STATE PLAN COMMITTEE; AUTHORIZING THE COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY TO APPOINT MEMBERS TO THE STATE PLAN COMMITTEE; COORDINATING THE MEETING OF THE STATE PLAN COMMITTEE WITH THE BOARD OF REGENTS, THE BOARD OF PUBLIC EDUCATION, AND THE MONTANA STATE WORKFORCE INNOVATION BOARD; REQUIRING THE STATE PLAN COMMITTEE TO COORDINATE WITH THE PERKINS STATE PLAN IN THE WORKFORCE INNOVATION AND OPPORTUNITY ACT COMBINED STATE PLAN; AND AMENDING SECTION 20-7-330, MCA 1989

539 *(House Bill No. 825; M. Cunningham)* GENERALLY REVISING LAWS RELATED TO HEALTH CARE PROXY DECISIONMAKERS; PROVIDING FOR A PATIENT-DESIGNATED TRUSTED DECISIONMAKER; PROVIDING A HIERARCHY IN SELECTING A DECISIONMAKER; AND AMENDING SECTIONS 50-5-110, 50-5-1301, AND 50-5-1303, MCA 1991

540 *(House Bill No. 855; K. Zolnikov)* PROVIDING FUNDING FOR ADDITIONAL WILDLIFE CROSSINGS IN MONTANA; AUTHORIZING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO ESTABLISH A SPECIALTY LICENSE PLATE; ESTABLISHING A BIG GAME AND WILDLIFE HIGHWAY CROSSINGS AND ACCOMMODATIONS ACCOUNT; PROVIDING A STATUTORY APPROPRIATION; PROVIDING FUNDING TO THE DEPARTMENT OF TRANSPORTATION FOR QUALIFYING PROJECTS; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1995

541 *(Senate Bill No. 25; J. Ellis)* REGULATING THE USE OF DEEPFAKES IN ELECTION COMMUNICATIONS AND ELECTIONEERING COMMUNICATIONS; PROVIDING DEFINITIONS; PROVIDING EXCEPTIONS; PROVIDING FOR INJUNCTIVE RELIEF, ACTUAL

DAMAGES, AND PUNITIVE DAMAGES; PROVIDING FOR THE FILING OF A COMPLAINT WITH THE COMMISSIONER OF POLITICAL PRACTICES; AND PROVIDING PENALTIES 1998

542 *(Senate Bill No. 39; G. Hertz)* REVISING THE AWARD OF ATTORNEY FEES IN CIVIL LAWSUITS; REQUIRING THAT CERTAIN AWARDS OF ATTORNEY FEES MUST BE REASONABLE; PROVIDING REQUIREMENTS FOR REASONABLE ATTORNEY FEE AWARD REQUESTS; AMENDING SECTION 25-10-711, MCA; AND PROVIDING AN APPLICABILITY DATE 2001

543 *(Senate Bill No. 46; J. Esp)* REVISING REGISTRATION FEES FOR UNDERGROUND PETROLEUM OR HAZARDOUS SUBSTANCE STORAGE TANKS; AMENDING SECTION 75-11-505, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 2002

544 *(Senate Bill No. 48; C. Glimm)* REVISING COMPLAINT PROCESSES WITH THE JUDICIAL STANDARDS COMMISSION TO ALLOW A CITIZEN TO MAKE PUBLIC THE CITIZEN'S COMPLAINTS CONCERNING A JUDGE AT ANY TIME; AND AMENDING SECTIONS 3-1-1106 AND 3-1-1123, MCA 2003

545 *(Senate Bill No. 53; G. Hertz)* GENERALLY REVISING TAX LAWS; REVISING INCOME TAX LAWS TO IMPLEMENT CHANGES FROM PRIOR INCOME TAX SIMPLIFICATION LEGISLATION; REVISING MARITAL FILING STATUS REFERENCES; PROVIDING FOR A DEADLINE EXTENSION WHEN A DEADLINE FALLS ON A RECOGNIZED FEDERAL FILING HOLIDAY; PROVIDING A REFERENCE TO THE INTERNAL REVENUE CODE FOR WHAT IS CONSIDERED A QUALIFIED WITHDRAWAL FROM AN EDUCATION SAVINGS ACCOUNT; REMOVING THE REQUIREMENT OF PROVIDING A CERTIFICATE FROM THE DEPARTMENT OF REVENUE TO THE CLERK OF THE COURT REGARDING THE ESTATE TAX IN A PROBATE PROCEEDING; AMENDING SECTIONS 15-30-2120, 15-30-2339, 15-30-2342, 15-30-2538, 15-62-103, 15-62-207, AND 53-25-117, MCA; REPEALING SECTION 72-3-1006, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE 2004

546 *(Senate Bill No. 56; M. Cuffe)* REVISING SUPPLEMENTAL EMPLOYER CONTRIBUTIONS TO RETIREMENT SYSTEMS; EXTENDING AND INCREASING THE SUPPLEMENTAL EMPLOYER CONTRIBUTION RATE FOR THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM; ADDING SUPPLEMENTAL EMPLOYER CONTRIBUTION RATES FOR THE HIGHWAY PATROL OFFICERS' RETIREMENT SYSTEM, THE SHERIFFS' RETIREMENT SYSTEM, AND THE GAME WARDENS' AND PEACE OFFICERS' RETIREMENT SYSTEM; AMENDING SECTIONS 19-3-316, 19-6-404, 19-7-404, AND 19-8-504, MCA; AND PROVIDING AN EFFECTIVE DATE 2011

547 *(Senate Bill No. 57; M. Cuffe)* REVISING COUNTY CANVASSING PROCESSES; REQUIRING A BOARD OF COUNTY CANVASSERS TO COMPARE THE NUMBER OF VOTES CAST TO THE NUMBER OF ELECTORS AND THE NUMBER OF PERSONS WHO VOTED DURING CANVASS; REQUIRING A BOARD OF COUNTY CANVASSERS TO INVESTIGATE DISCREPANCIES OR ERRORS IN VOTE COUNTS; PROVIDING THAT A BOARD OF COUNTY CANVASSERS MAY

REQUIRE A RECOUNT OF VOTES IN AN INVESTIGATION OF DISCREPANCIES OR ERRORS; AMENDING SECTIONS 13-15-403 AND 13-16-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE....2015

548 *(Senate Bill No. 60; M. Noland)* REVISING LAWS RELATING TO THE PAYMENT OF TAXES BY CERTAIN CAPTIVE INSURERS; REVISING LAWS RELATING TO THE PAYMENT OF TAXES BY SPECIAL PURPOSE INSURERS; AMENDING SECTION 33-28-201, MCA; AND PROVIDING AN APPLICABILITY DATE 2017

549 *(Senate Bill No. 71; J. Kassmier)* EXTENDING THE TERMINATION DATE FOR REVISIONS TO THE NATURAL RESOURCES OPERATIONS STATE SPECIAL REVENUE ACCOUNT AND GENERAL FUND TRANSFER; AMENDING SECTION 3, CHAPTER 137, LAWS OF 2021, AND SECTION 1, CHAPTER 573, LAWS OF 2023; AND PROVIDING AN EFFECTIVE DATE 2019

550 *(Senate Bill No. 74; J. Kassmier)* GENERALLY REVISING MARIJUANA LAWS; REVISING THE DEFINITION OF THE RETAIL PRICE OF MARIJUANA FOR TAX PURPOSES; REVISING THE DEFINITIONS OF "EMPLOYEE" AND "FINANCIAL INTEREST"; REVISING LAWS RELATED TO A THIRD-PARTY CONTRACT; REMOVING PROBATIONARY LICENSING OPTIONS FOR MARIJUANA TESTING LABORATORIES; REVISING MARIJUANA HOTLINE REPORTING REQUIREMENTS; REVISING PROVISIONS FOR PROPERTY OWNER PERMISSIONS ON LICENSE RENEWALS; REVISING MARIJUANA MANUFACTURER LICENSING FEES; ALLOWING FOR A VARIANCE IN THE MEASUREMENT OF A MARIJUANA PRODUCT SOLD AS A CAPSULE, TINCTURE, TOPICAL PRODUCT, SUPPOSITORY, TRANSDERMAL PATCH, AND OTHER MARIJUANA PRODUCTS; AMENDING SECTIONS 15-64-101, 16-12-102, 16-12-104, 16-12-125, 16-12-203, 16-12-221, AND 16-12-224, MCA; AND PROVIDING EFFECTIVE DATES AND AN APPLICABILITY DATE....2019

551 *(Senate Bill No. 91; T. Manzella)* REQUIRING DRIVER'S LICENSES AND IDENTIFICATION CARDS TO DISPLAY CITIZENSHIP STATUS; AMENDING SECTIONS 61-5-111 AND 61-12-501, MCA; AND PROVIDING AN APPLICABILITY DATE 2032

552 *(Senate Bill No. 95; M. Yakawich)* ALLOCATING MONEY FOR SUICIDE PREVENTION EFFORTS FOR VETERANS AND SERVICE MEMBERS; ESTABLISHING PURPOSES FOR USE OF THE MONEY; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE 2035

553 *(Senate Bill No. 106; D. Loge)* REVISING LAWS RELATED TO THE USE OF AIRCRAFT WHILE HUNTING; AND AMENDING SECTIONS 87-3-126 AND 87-6-208, MCA....2036

554 *(Senate Bill No. 117; D. Zolnikov)* GENERALLY REVISING PROPERTY TAXES; REVISING GOVERNMENTAL ENTITY LIMITS ON PROPERTY TAX INCREASES; INCREASING THE RATE OF INFLATION LIMITATION IMPOSED ON GOVERNMENTAL ENTITIES FOR CALCULATING PROPERTY TAX LEVIES; PROVIDING THAT A PORTION OF NEWLY TAXABLE PROPERTY IS SUBJECT TO THE MILL LEVY LIMITATION CALCULATION; PROVIDING THAT A LOCAL GOVERNMENT MAY CREATE A LARGE TAXPAYER RESERVE ACCOUNT; AMENDING SECTION 15-10-420, MCA; AND PROVIDING AN APPLICABILITY DATE 2037

555 *(Senate Bill No. 121; F. Mandeville)* GENERALLY REVISING THE MONTANA LAND USE PLANNING ACT; CLARIFYING THAT A LOCAL GOVERNMENT MAY MAKE DECISIONS ON DEVELOPMENT APPLICATIONS; CLARIFYING PUBLIC NOTICE REQUIREMENTS; PROVIDING ADDITIONAL OPPORTUNITY FOR PUBLIC COMMENT FOR PROPOSED DEVELOPMENTS; ALLOWING A CITY TO RETAIN EXTRATERRITORIAL ZONING AUTHORITY; AMENDING LAND DIVISIONS EXCLUDED FROM SUBDIVISION REVIEW; CLARIFYING THE NOTICE OF ADEQUATE STORMWATER DRAINAGE AND MUNICIPAL FACILITIES FOR CERTAIN CITIES; ALLOWING A CITY TO REMAIN A MEMBER ON CERTAIN PLANNING BOARDS; ALLOWING FOR A PUBLIC HEARING BEFORE A PLANNING COMMISSION HEARS AN APPEAL; PROVIDING DEFINITIONS; AMENDING SECTIONS 2-3-102, 2-3-104, 7-2-4734, 76-2-310, 76-4-125, 76-4-127, 76-25-103, 76-25-104, 76-25-106, 76-25-301, 76-25-305, 76-25-408, 76-25-410, AND 76-25-503, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE 2041

556 *(Senate Bill No. 133; G. Hertz)* REVISING LOCAL GOVERNMENT IMPACT FEE LAWS; REMOVING THE ALLOWED ADMINISTRATION FEE; REQUIRING THAT IMPACT FEES NOT INCREASE MORE THAN THE RATE OF INFLATION; REVISING DEFINITIONS; AND AMENDING SECTIONS 7-6-1601 AND 7-6-1602, MCA 2058

557 *(Senate Bill No. 181; J. Windy Boy)* GENERALLY REVISING EDUCATION LAWS TO STRENGTHEN THE STATE'S COMMITMENT TO PRESERVING AMERICAN INDIAN CULTURAL INTEGRITY UNDER ARTICLE X, SECTION 1(2), OF THE MONTANA CONSTITUTION; REVISING INDIAN EDUCATION FOR ALL LAWS TO EMPHASIZE TRIBAL CONSULTATION AND THE ROLE OF INDIAN LANGUAGE AND CULTURAL SPECIALISTS; PLACING ADDITIONAL REQUIREMENTS ON THE BOARD OF PUBLIC EDUCATION AND THE OFFICE OF PUBLIC INSTRUCTION TO IMPROVE INDIAN EDUCATION FOR ALL AND STRENGTHEN ACCOUNTABILITY; CLARIFYING THE DUTIES OF THE OFFICE OF PUBLIC INSTRUCTION FOR FINANCIAL ACCOUNTABILITY OF INDIAN EDUCATION FOR ALL FUNDS PROVIDED BY THE STATE TO SCHOOL DISTRICTS; ESTABLISHING REPORTING REQUIREMENTS; REVISING A DEFINITION; AMENDING SECTIONS 20-1-501, 20-1-502, 20-1-503, 20-7-101, AND 20-9-329, MCA; AND PROVIDING AN EFFECTIVE DATE..... 2060

558 *(Senate Bill No. 182; J. Windy Boy)* GENERALLY REVISING EDUCATION LAWS TO STRENGTHEN THE STATE'S COMMITMENT TO PRESERVING AMERICAN INDIAN CULTURAL INTEGRITY UNDER ARTICLE X, SECTION 1(2), OF THE MONTANA CONSTITUTION; PROVIDING GREATER FLEXIBILITY FOR THE EDUCATIONAL PARTNERSHIPS ENTERED INTO BY TRIBES IN THE MONTANA INDIAN LANGUAGE PRESERVATION PROGRAM; ENCOURAGING THE INTEGRATION OF EFFORTS BETWEEN THE MONTANA INDIAN LANGUAGE PRESERVATION PROGRAM AND THE INDIAN LANGUAGE IMMERSION PROGRAMS OF SCHOOL DISTRICTS; EMPHASIZING THE VALUE OF COLLABORATIVE PROFESSIONAL DEVELOPMENT AND THE USE OF MATERIALS PREVIOUSLY PRODUCED BY THE TRIBES UNDER THE PROGRAM THAT ARE HOUSED AT THE MONTANA HISTORICAL SOCIETY; AMENDING SECTION 20-9-537, MCA; AND PROVIDING AN EFFECTIVE DATE..... 2065

559 *(Senate Bill No. 183; G. Hertz)* REQUIRING AN OUTFITTER ENDORSEMENT FOR GUIDE LICENSURE; AMENDING SECTION 37-47-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE....2067

560 *(Senate Bill No. 218; J. Fuller)* PROVIDING FOR A PRIVATE CAUSE OF ACTION FOR INJURIES CAUSED BY CERTAIN MEDICAL INTERVENTIONS AS TREATMENT OF GENDER DYSPHORIA; PROVIDING A STATUTE OF LIMITATIONS; AMENDING SECTION 27-2-205, MCA; REPEALING SECTION 50-4-1005, MCA; AND PROVIDING AN EFFECTIVE DATE....2067

561 *(Senate Bill No. 224; S. Morigeau)* ESTABLISHING INDIGENOUS PEOPLES' DAY AS A LEGAL HOLIDAY IN MONTANA; AND AMENDING SECTION 1-1-216, MCA....2070

562 *(Senate Bill No. 237; D. Fern)* REQUIRING THE REVENUE INTERIM COMMITTEE TO MAKE A RECOMMENDATION TO THE LEGISLATURE ABOUT WHETHER TO REVISE PROPERTY TAX RATES BASED ON THE TAXABLE VALUE NEUTRALITY REPORT; AND AMENDING SECTIONS 5-5-227 AND 15-7-111, MCA....2071

563 *(Senate Bill No. 238; J. Ellis)* ESTABLISHING THE SUPPORTING BOWHUNTERS WITH DISABILITIES PROGRAM; PROVIDING FOR AN OPTIONAL DONATION ON CERTAIN HUNTING LICENSES; ESTABLISHING THE SUPPORTING BOWHUNTERS WITH DISABILITIES ACCOUNT; PROVIDING FOR DONATIONS TO BE DEPOSITED INTO THE ACCOUNT; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 87-1-601 AND 87-2-903, MCA; AND PROVIDING AN EFFECTIVE DATE....2073

564 *(Senate Bill No. 247; W. Curdy)* CLASSIFYING SHOOTING RANGES AS CLASS FOUR PROPERTY FOR THE PURPOSES OF TAXATION; REVISING THE TAX RATE FOR SHOOTING RANGES; PROVIDING A DEFINITION; AMENDING SECTION 15-6-134, MCA; AND PROVIDING AN APPLICABILITY DATE....2076

565 *(Senate Bill No. 257; L. Smith)* REVISING THE COST FOR NONRESIDENT SMITH RIVER BONUS POINTS; AMENDING SECTION 23-2-409, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE....2078

566 *(Senate Bill No. 296; M. Yakawich)* ESTABLISHING AN ENHANCED PENALTY FOR A PERSON EMPLOYED OR VOLUNTEERING IN A CAREGIVING FACILITY WHO IS FOUND GUILTY OF AN OFFENSE AGAINST A VULNERABLE PERSON IN THAT CAREGIVING FACILITY; PROVIDING FOR ALAN'S LAW; AND PROVIDING DEFINITIONS....2078

567 *(Senate Bill No. 297; D. Zolnikov)* GENERALLY REVISING PRIVACY LAWS; PROVIDING DEFINITIONS; REQUIRING NOTIFICATION TO CONSUMERS THAT CERTAIN INFORMATION HAS BEEN COLLECTED; REQUIRING AN OPT-OUT OPTION FOR CONSUMERS; REQUIRING A PRIVACY NOTICE FROM CONTROLLERS; REQUIRING THE ATTORNEY GENERAL TO POST RIGHTS AND RESPONSIBILITIES INFORMATION ONLINE; SPECIFYING CONTROLLER DUTIES; SPECIFYING RESPONSIBILITIES BY ROLE; AMENDING SECTIONS 20-7-1324, 30-14-2802, 30-14-2803, 30-14-2804, 30-14-2808, 30-14-2812, 30-14-2816, AND 30-14-2817, MCA; AND REPEALING SECTION 15, CHAPTER 681, LAWS OF 2023....2079

568 *(Senate Bill No. 300; D. Loge)* PROVIDING PROTECTIONS FOR SERVICE ANIMALS AND HANDLERS; PROVIDING THE OFFENSE OF HARASSMENT OR HARM OF A SERVICE ANIMAL; PROVIDING THE OFFENSE OF UNAUTHORIZED CONTROL OF A SERVICE ANIMAL; PROVIDING RESTITUTION; PROVIDING FOR PENALTIES WHEN A SERVICE ANIMAL IS ATTACKED; PROVIDING DEFINITIONS; AND AMENDING SECTIONS 7-23-2109, 27-1-715, AND 49-4-214, MCA 2096

569 *(Senate Bill No. 303; J. Windy Boy)* REQUIRING DESIGNATED STATE AGENCIES TO SUBMIT REPORTS TO THE OFFICE OF BUDGET AND PROGRAM PLANNING ON INFORMATION RELATED TO FINANCIAL ASSISTANCE PROVIDED TO TRIBAL ENTITIES; REQUIRING THE OFFICE OF BUDGET AND PROGRAM PLANNING TO COMPILE A REPORT ON FINANCIAL ASSISTANCE PROVIDED BY DESIGNATED STATE AGENCIES DIRECTLY OR INDIRECTLY TO TRIBAL ENTITIES AND SUBMIT THE REPORT IN AN ELECTRONIC FORMAT TO THE STATE-TRIBAL RELATIONS COMMITTEE, THE LEGISLATIVE FINANCE COMMITTEE, AND THE OFFICE OF STATE DIRECTOR OF INDIAN AFFAIRS; REQUIRING THE REPORT COMPILED BY THE OFFICE OF BUDGET AND PROGRAM PLANNING TO BE POSTED ON THE WEBSITE OF THE OFFICE OF STATE DIRECTOR OF INDIAN AFFAIRS; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE 2099

570 *(Senate Bill No. 311; S. Morigeau)* ENHANCING LEGISLATIVE UNDERSTANDING OF STATE-TRIBAL RELATIONS; REQUIRING THE STATE DIRECTOR OF INDIAN AFFAIRS TO WORK COLLABORATIVELY TO PROVIDE INFORMATION AND TRAINING OPPORTUNITIES TO LEGISLATORS; REVISING THE DEADLINE FOR PROVIDING A REPORT TO TRIBAL GOVERNMENTS; AMENDING SECTION 2-15-143, MCA; AND PROVIDING AN EFFECTIVE DATE 2101

571 *(Senate Bill No. 317; D. Lenz)* PROHIBITING HEALTH INSURANCE ISSUERS FROM PERFORMING PRIOR AUTHORIZATION ON PSYCHIATRIC DRUGS THAT ARE IN SHORTAGE OR DISCONTINUED; AND AMENDING SECTION 33-32-221, MCA..... 2102

572 *(Senate Bill No. 339; D. Zolnikov)* REVISING DISTRIBUTION OF CERTAIN OIL AND NATURAL GAS PRODUCTION TAXES; REVISING DEPOSITS TO THE OIL AND GAS PRODUCTION DAMAGE MITIGATION ACCOUNT; AMENDING SECTIONS 15-36-331 AND 82-11-161, MCA; AND PROVIDING AN EFFECTIVE DATE..... 2103

573 *(Senate Bill No. 364; K. Bogner)* ESTABLISHING KILL SWITCH LAWS; PROHIBITING AN ENTITY FROM REMOTELY ACTIVATING A KILL SWITCH WITHOUT A WARRANT; PROVIDING EXCEPTIONS; PROVIDING DAMAGES; AND PROVIDING AN EFFECTIVE DATE..... 2106

574 *(Senate Bill No. 390; W. Curdy)* REVISING THE DEFINITION OF SMOKING IN THE CLEAN INDOOR AIR ACT; PROVIDING A DEFINITION OF ELECTRONIC SMOKING DEVICE; AMENDING SECTION 50-40-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 2108

575 *(Senate Bill No. 402; D. Lenz)* PROVIDING FOR CASE DETERMINATIONS OF INVESTIGATIONS OF REPORTED CHILD ABUSE OR NEGLECT; PROVIDING FOR DEFINITIONS OF SUBSTANTIATED, UNSUBSTANTIATED, AND UNFOUNDED; AND AMENDING SECTION 41-3-102, MCA 2109

576 *(Senate Bill No. 414; S. Morigeau)* GENERALLY REVISING LAWS RELATED TO GARBAGE FEEDING; PROHIBITING PACKAGING MATERIALS FROM BEING INCLUDED IN GARBAGE FED TO SWINE; REVISING A DEFINITION; AND AMENDING SECTIONS 81-2-501, 81-2-502, AND 81-2-511, MCA....2118

577 *(Senate Bill No. 449; V. Ricci)* GENERALLY REVISING HEALTH UTILIZATION REVIEW LAWS; PROVIDING FOR CONTINUING APPROVAL FOR ENROLLEES CHANGING HEALTH PLANS; GENERALLY PROHIBITING PRIOR AUTHORIZATION FOR PRESCRIPTIONS WRITTEN AT DISCHARGE FROM INPATIENT CARE; GENERALLY PROHIBITING RETROACTIVE DENIAL; PROVIDING REQUIREMENTS FOR ACCEPTING AND RESPONDING TO PRIOR AUTHORIZATION REQUESTS; PROVIDING A DEFINITION; AND PROVIDING AN APPLICABILITY DATE....2120

578 *(Senate Bill No. 464; D. Lenz)* REVISING LAWS RELATED TO THE APPOINTMENT OF SPECIAL ADVOCATES IN CHILD ABUSE AND NEGLECT PROCEEDINGS; REVISING DUTIES OF SPECIAL ADVOCATES; PROVIDING A DEFINITION OF SPECIAL ADVOCATE; AND AMENDING SECTIONS 41-3-102, 41-3-112, AND 41-3-425, MCA....2121

579 *(Senate Bill No. 466; D. Lenz)* ESTABLISHING FACTORS THAT MUST BE CONSIDERED WHEN DETERMINING THE BEST INTERESTS OF A CHILD....2133

580 *(Senate Bill No. 471; D. Fern)* GENERALLY REVISING VEHICULAR TRAFFIC LAWS RELATED TO PEDESTRIAN CROSSINGS; PROVIDING THE OFFENSE OF ENDANGERMENT OF PEDESTRIANS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING DEFINITIONS; AND AMENDING SECTION 61-8-502, MCA....2135

581 *(Senate Bill No. 503; C. Neumann)* PROVIDING FOR THE USE OF EXPIRED OPIOID ANTAGONISTS; PROVIDING PARTIAL IMMUNITY TO SCHOOL EMPLOYEES, TO ELIGIBLE RECIPIENTS, AND TO MEDICAL PRACTITIONERS AND PHARMACISTS FOR USING EXPIRED OPIOID ANTAGONISTS; AND AMENDING SECTIONS 20-5-426, 50-32-602, 50-32-607, AND 50-32-608, MCA....2136

582 *(Senate Bill No. 544; G. Hertz)* REVISING INDIVIDUAL INCOME TAX LAWS TO PROVIDE FOR A TRANSITION ADJUSTMENT FOR CERTAIN LOSSES; ALLOWING A TAXPAYER ELECTION TO CLAIM LOSSES THAT WERE NOT PROVIDED FOR IN 2021 INCOME TAX SIMPLIFICATION LEGISLATION; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE....2138

583 *(Senate Bill No. 19; B. Usher)* GENERALLY REVISING SENTENCING LAWS FOR THEFT, FAILURE TO RETURN RENTED OR LEASED PERSONAL PROPERTY, ISSUING A BAD CHECK, DECEPTIVE PRACTICES, FORGERY, AND THEFT OF IDENTITY; REVISING THE DEFINITION OF COMMON SCHEME; RAISING THE PENALTY THRESHOLDS FOR OFFENSES INVOLVING THEFT, FAILURE TO RETURN RENTED OR LEASED PERSONAL PROPERTY, ISSUING A BAD CHECK, DECEPTIVE PRACTICES, FORGERY, AND THEFT OF IDENTITY; AMENDING SECTIONS 45-2-101, 45-6-301, 45-6-309, 45-6-316, 45-6-317, 45-6-325, 45-6-332, AND 45-6-345, MCA; AND PROVIDING AN EFFECTIVE DATE....2140

584 *(Senate Bill No. 69; G. Lammers)* REVISING COUNTY ATTORNEY REPORTING REQUIREMENTS RELATED TO CHILDHOOD SEXUAL ABUSE; PROVIDING FOR AN ANNUAL REPORTING REQUIREMENT; AMENDING SECTIONS 41-3-210, 41-3-211, AND 41-3-212, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 2154

585 *(Senate Bill No. 77; G. Lammers)* REQUIRING CONSERVATION DISTRICTS TO COMPLY WITH STATE PROCUREMENT LAWS; AMENDING SECTIONS 76-15-1005, 76-15-1006, 76-15-1011, AND 76-15-1012, MCA; AND REPEALING SECTION 76-15-1004, MCA..... 2156

586 *(Senate Bill No. 93; J. Fuller)* REVISING STATE INCOME TAXATION FOR MILITARY PENSIONS, RETIREMENT, AND SURVIVOR BENEFITS; ELIMINATING THE STATUTORY SUNSET OF THE EXEMPTION; AMENDING SECTION 15-30-2120, MCA; REPEALING SECTION 4, CHAPTER 650, LAWS OF 2023; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE..... 2158

587 *(Senate Bill No. 103; R. Tempel)* INCREASING THE FEE FOR ISSUING AN EXECUTION OR ORDER OF SALE ON A FORECLOSURE OF A LIEN; PROVIDING THAT THE INCREASED FEE BE DEPOSITED IN THE COUNTY DISTRICT COURT FUND; AND AMENDING SECTION 25-1-201, MCA 2162

588 *(Senate Bill No. 147; J. Windy Boy)* REVISING THE MONTANA INDIAN CHILD WELFARE ACT AND RELATED LAWS; REPEALING SECTION 55, CHAPTER 716, LAWS OF 2023; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 2164

589 *(Senate Bill No. 174; F. Mandeville)* REVISING LAWS RELATED TO THE REVIEW OF BUILDINGS FOR LEASE OR RENT; REQUIRING RECREATIONAL VEHICLES AND MOBILE HOMES TO BE CONSIDERED BUILDINGS FOR LEASE OR RENT FOR THE PURPOSES OF SUBDIVISION REVIEW; AND AMENDING SECTIONS 76-3-103, 76-3-504, 76-3-621, 76-8-101, 76-8-103, AND 76-8-107, MCA 2165

590 *(Senate Bill No. 226; M. Cuffe)* REVISING CERTIFICATION OF PETITION SIGNATURES TO ADD A FILING TIMELINE; AMENDING SECTION 13-27-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.... 2173

591 *(Senate Bill No. 243; E. Boldman)* AMENDING ZONING REGULATIONS TO ALLOW TALLER BUILDINGS IN CERTAIN MUNICIPALITIES; AMENDING SECTIONS 76-2-304 AND 76-25-303, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE 2174

592 *(Senate Bill No. 253; S. Vinton)* GENERALLY REVISING LAWS RELATED TO STUDENT SCHOLARSHIP ORGANIZATIONS; REQUIRING A STUDENT SCHOLARSHIP ORGANIZATION TO APPLY FOR CERTIFICATION FROM THE DEPARTMENT OF REVENUE; ESTABLISHING REQUIREMENTS FOR CERTIFICATION; ENSURING A PARENT'S RIGHT TO SELECT AN EDUCATION PROVIDER; INCREASING TRANSPARENCY AND ACCOUNTABILITY REQUIREMENTS FOR STUDENT SCHOLARSHIP ORGANIZATIONS; REVISING A DEFINITION; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 15-30-3102, 15-30-3103, 15-30-3105, AND 15-30-3106, MCA; AND PROVIDING EFFECTIVE DATES..... 2177

593 *(Senate Bill No. 260; G. Hertz)* PROVIDING FOR THE ALTERATION OF DISTRICT BOUNDARIES FOR INABILITY TO ACCESS PUBLIC

SERVICES; PROVIDING FOR PETITION, PUBLIC HEARING, AND ELECTION PROCEDURES FOR ALTERING HOSPITAL DISTRICT BOUNDARIES; PROVIDING FOR THE SHARING OF TAX COLLECTIONS WHEN HOSPITAL DISTRICT BOUNDARIES ARE ALTERED; PROVIDING FOR RECONCILIATION PAYMENTS BETWEEN CERTAIN SCHOOL DISTRICTS WHEN ISOLATED PUPILS ARE INVOLVED; ESTABLISHING A PROCESS FOR A SCHOOL DISTRICT TO SEEK A RECONCILIATION PAYMENT BY PETITIONING THE COUNTY SUPERINTENDENT AND PAYING A PROCESSING FEE; PROVIDING THAT THE TAXABLE VALUE OF TERRITORY TRANSFERRED BETWEEN SCHOOL DISTRICTS IS SPLIT BETWEEN THE DISTRICTS FOR A PERIOD OF 3 YEARS; PROVIDING FOR PAYMENTS BETWEEN DISTRICTS FOLLOWING A TERRITORY TRANSFER IF A RECONCILIATION PAYMENT WAS MADE PREVIOUSLY; PROVIDING DEFINITIONS; AMENDING SECTION 20-6-105, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 2180

594 *(Senate Bill No. 278; S. Novak)* REVISING EDUCATION LAWS RELATED TO ADVANCED OPPORTUNITIES; ESTABLISHING ADVANCED OPPORTUNITY FACILITATORS AND DEFINING THE TERM; ALLOWING A SCHOOL DISTRICT EMPLOYING AN ADVANCED OPPORTUNITY FACILITATOR TO UTILIZE A PORTION OF ITS ADVANCED OPPORTUNITY AID IN PAYING THE FACILITATOR AND RECEIVE A QUALITY EDUCATOR PAYMENT FOR THE ADVANCED OPPORTUNITY FACILITATOR; AMENDING SECTIONS 20-7-1503, 20-7-1506, AND 20-9-327, MCA; AND PROVIDING EFFECTIVE DATES 2189

595 *(Senate Bill No. 301; D. Zolnikov)* GENERALLY REVISING UTILITY LINES AND FACILITIES LAWS; ALLOWING THE COMMISSION TO GRANT A PUBLIC UTILITY A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR ELECTRIC TRANSMISSION FACILITY CONSTRUCTION; ESTABLISHING OPTIONAL RATEMAKING PROCEDURES AND TIMELINES; PROVIDING RULEMAKING AUTHORITY; PROVIDING DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE..... 2193

596 *(Senate Bill No. 316; D. Zolnikov)* REVISING DISABILITY RETIREMENT BENEFIT PROVISIONS FOR THE MUNICIPAL POLICE OFFICERS' RETIREMENT SYSTEM AND THE FIREFIGHTERS' UNIFIED RETIREMENT SYSTEM; AMENDING SECTIONS 19-2-406, 19-9-903, AND 19-13-803, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE 2195

597 *(Senate Bill No. 319; C. Neumann)* GENERALLY REVISING LAWS RELATED TO DOULAS; PROVIDING FOR LICENSURE AND REGULATION OF DOULAS; ESTABLISHING LICENSURE REQUIREMENTS; ALLOWING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO PROVIDE MEDICAID COVERAGE OF LICENSED DOULA SERVICES; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 37-1-401 AND 53-6-101, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND A TERMINATION DATE 2197

598 *(Senate Bill No. 326; G. Hertz)* REVISING THE MONTANA ECONOMIC DEVELOPMENT INDUSTRY ADVANCEMENT ACT FILM TAX CREDITS; REVISING ELIGIBLE PRODUCTIONS AND POSTPRODUCTION ACTIVITY; PROVIDING AN INCREASED CREDIT FOR HIRING VETERANS AND ENROLLED TRIBAL MEMBERS; EXTENDING THE

CREDITS THROUGH 2045; ALLOCATING THE CREDIT TO CERTAIN ENTITIES; PROVIDING THAT UNUSED ALLOCATED CREDITS MAY BE CLAIMED BY OTHER ENTITIES FOR A FEE; DESIGNATING THE FEE FOR FILM INDUSTRY WORKFORCE TRAINING; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 15-31-1002, 15-31-1003, 15-31-1004, 15-31-1007, 15-31-1009, AND 15-31-1010, MCA; REPEALING SECTIONS 1 THROUGH 9, CHAPTER 509, LAWS OF 2021; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE 2202

599 *(Senate Bill No. 333; B. Usher)* EXTENDING THE SUNSET DATE OF THE COAL SEVERANCE TAX COAL WASHING CREDIT; AMENDING SECTION 7, CHAPTER 433, LAWS OF 2009, AND SECTION 1, CHAPTER 352, LAWS OF 2015; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 2213

600 *(Senate Bill No. 335; G. Hertz)* CREATING THE MONTANA DENTAL INSURANCE TRANSPARENCY AND ACCOUNTABILITY ACT; PROVIDING DEFINITIONS; PROVIDING FOR TRANSPARENCY OF DENTAL INSURANCE PREMIUMS; PROVIDING FOR CERTAIN REBATES; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 33-18-208, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE 2213

601 *(Senate Bill No. 337; G. Hertz)* REVISING PROPERTY TAXES FOR SUBDIVISION DEVELOPMENT PROJECTS; PROVIDING A TEMPORARY TAX EXEMPTION FOR PROPERTY THAT IS PART OF A RESIDENTIAL SUBDIVISION DEVELOPMENT PROJECT; PROVIDING FOR PREPAYMENT OF PROPERTY TAXES THAT WOULD HAVE BEEN COLLECTED IF THE SUBJECT PROPERTY WAS NOT UNDERGOING RESIDENTIAL SUBDIVISION DEVELOPMENT; PROVIDING FOR TERMINATION OF THE EXEMPTION FOR CERTAIN EVENTS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 15-10-305, MCA; AND PROVIDING AN APPLICABILITY DATE 2216

602 *(Senate Bill No. 348; J. Trebas)* REVISING PENALTIES FOR THE CRIME OF SEXUAL ASSAULT; PROVIDING THAT OFFENDERS WHO COMMIT A SECOND OFFENSE OF SEXUAL ASSAULT MUST REGISTER AS A SEXUAL OFFENDER; AND AMENDING SECTIONS 45-5-502 AND 46-23-502, MCA 2218

603 *(Senate Bill No. 350; M. Regier)* REVISING EDUCATION LAWS RELATED TO EXTRACURRICULAR PARTICIPATION; ALLOWING SCHOOL DISTRICTS OR ATHLETIC ORGANIZATIONS TO RESTRICT EXTRACURRICULAR PARTICIPATION OF HOME SCHOOL STUDENTS WHO ARE NOT CITIZENS OF THE UNITED STATES OR RESIDENTS OF MONTANA; AMENDING SECTION 20-5-112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 2222

604 *(Senate Bill No. 393; G. Hertz)* PROVIDING FUNDING FOR REIMBURSEMENTS FOR FELONY CRIMINAL JURISDICTION ON THE FLATHEAD INDIAN RESERVATION; PROVIDING AN APPROPRIATION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 2223

605 *(Senate Bill No. 409; D. Zolnikov)* GENERALLY REVISING LAWS RELATED TO THE DEPARTMENT OF COMMERCE; REVISING LAWS

RELATED TO LODGING FACILITY USE TAX REVENUES; REQUIRING THE DEPARTMENT OF COMMERCE TO USE THE LODGING FACILITY USE TAX REVENUE FOR SPECIFIC PURPOSES; EXPANDING THE SCOPE OF THE EMERGENCY LODGING FOR VICTIMS OF DOMESTIC VIOLENCE OR HUMAN TRAFFICKING PROGRAM AND MAKING IT PERMANENT; AMENDING SECTIONS 15-65-121, 44-4-1505, AND 44-4-1506, MCA; AMENDING SECTION 12, CHAPTER 563, LAWS OF 2021, AND SECTION 10, CHAPTER 758, LAWS OF 2023; REPEALING SECTION 90-1-122, MCA; AND PROVIDING EFFECTIVE DATES 2224

606 *(Senate Bill No. 413; L. Smith)* CREATING THE CRIME OF DISCLOSING EXPLICIT SYNTHETIC MEDIA; PROVIDING DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE 2229

607 *(Senate Bill No. 429; J. Esp)* GENERALLY REVISING LAWS RELATED TO DETERMINATION AND RESTORATION OF FITNESS IN CRIMINAL PROCEEDINGS; REVISING WHAT ACTS OR OMISSIONS MAY BE CONTEMPT; PROVIDING COMMITMENT PROCEDURES FOR EXAMINATION; PROVIDING PROCEDURES FOR THE INVOLUNTARY ADMINISTRATION OF MEDICATION; REVISING PROVISIONS FOR PAYMENT OF COMMITMENT EXPENSES; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 3-1-501, 3-5-901, 3-10-402, 3-11-303, 46-14-202, 46-14-206, AND 46-14-221, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 2230

608 *(Senate Bill No. 430; J. Esp)* GENERALLY REVISING LAWS RELATED TO THE CIVIL COMMITMENT AND EMERGENCY DETENTION OF MENTALLY ILL PERSONS; ESTABLISHING CONDITIONS THAT MUST BE MET BEFORE TRANSPORTING OR TRANSFERRING A PERSON TO THE MONTANA STATE HOSPITAL; REVISING WHAT ACTIONS OR OMISSIONS ARE CONTEMPT; SUPERSEDING THE UNFUNDED MANDATE LAWS; AMENDING SECTIONS 3-1-501, 3-10-402, 3-11-303, 53-21-102, 53-21-126, 53-21-127, 53-21-129, 53-21-181, AND 53-21-193, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 2240

609 *(Senate Bill No. 435; J. Esp)* GENERALLY REVISING LAWS RELATED TO MENTALLY ILL INDIVIDUALS; PROVIDING FOR A 72-HOUR MENTAL HEALTH HOLD; PROVIDING FOR A WAIVER OF PHYSICAL PRESENCE AT HEARINGS; AND AMENDING SECTIONS 53-21-119, 53-21-129, 53-21-132, AND 53-21-140, MCA 2253

610 *(Senate Bill No. 440; T. Manzella)* REQUIRING PUBLIC REPORTS OF STATEWIDE CANVASSED ELECTION RESULTS PROVIDED UNDER TITLE 13, CHAPTER 15, PART 5; PROVIDING THE INFORMATION TO BE INCLUDED IN THE REPORT; AND ESTABLISHING REPORTING REQUIREMENTS 2258

611 *(Senate Bill No. 446; V. Ricci)* REVISING LAWS RELATED TO HEALTH UTILIZATION REVIEW; REQUIRING A PHYSICIAN LICENSED IN THE STATE TO MAKE OR REVIEW AN ADVERSE DETERMINATION OR REVIEW A GRIEVANCE; AND AMENDING SECTION 33-32-221, MCA 2259

612 *(Senate Bill No. 447; V. Ricci)* REVISING LAWS RELATED TO PRIOR AUTHORIZATION; EXTENDING THE LENGTH OF A PRIOR AUTHORIZATION CERTIFICATION; PROVIDING THAT A PRIOR AUTHORIZATION FOR TREATMENT OF A CHRONIC CONDITION

IS VALID FOR THE DURATION OF THE CONDITION; PROHIBITING PRIOR AUTHORIZATION FOR CERTAIN PRESCRIPTIONS; PROVIDING DEFINITIONS; AND AMENDING SECTIONS 33-32-102, 33-32-107, AND 33-32-221, MCA.....2260

613 *(Senate Bill No. 468; D. Lenz)* PROVIDING FOR A STATEWIDE CENTRAL REGISTRY FOR SUBSTANTIATED REPORTS OF CHILD ABUSE OR NEGLECT; ESTABLISHING PROCEDURES FOR EXPUNGEMENT FROM THE CENTRAL REGISTRY; PROVIDING DEFINITIONS; ESTABLISHING REPORTING REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE 2269

614 *(Senate Bill No. 492; G. Hertz)* GENERALLY REVISING THE BUSINESS DISCLOSURE STATEMENT REQUIREMENTS FOR STATEWIDE OR STATE DISTRICT ELECTED OFFICIALS, CANDIDATES FOR STATEWIDE OR STATE DISTRICT OFFICES, DEPARTMENT DIRECTORS, AND INDIVIDUALS APPOINTED TO FILL THOSE POSITIONS; AND AMENDING SECTION 2-2-106, MCA.....2272

615 *(Senate Bill No. 497; W. McKamey)* ADDRESSING CAREER FATIGUE AND WELLNESS IN CERTAIN HEALTH CARE PROVIDERS; PROVIDING CIVIL IMMUNITY FOR MEMBERS OF OR HEALTH CARE PROFESSIONAL CONSULTANTS TO CERTAIN ENTITIES ADDRESSING CAREER FATIGUE AND WELLNESS IN HEALTH CARE PROVIDERS; REVISING MANDATORY AND PERMISSIVE REPORTING LAWS RELATED TO CERTAIN HEALTH CARE PROVIDERS; AMENDING SECTIONS 37-3-401 AND 37-4-312, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 2277

616 *(Senate Bill No. 514; G. Hunter)* GENERALLY REVISING THE FIXING OF UPLAND GAME BIRD SEASONS; REQUIRING THE FISH AND WILDLIFE COMMISSION TO ALLOW RESIDENTS TO HUNT PRIOR TO NONRESIDENTS FOR ALL UPLAND GAME BIRDS EXCEPT MOUNTAIN GROUSE; PROVIDING A DEFINITION; AMENDING SECTION 87-1-304, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE 2279

617 *(Senate Bill No. 520; T. Tezak)* REVISING LAWS REGARDING MINING LEASES ON STATE LANDS; REVISING THE TERM OF LEASES ISSUED FOR MINING METALLIFEROUS MINERALS OR GEMS AND NONMETALLIC MINERALS; REVISING LIMITS ON PUBLIC INSPECTION RIGHTS; PROVIDING FOR MODIFICATION OF LEASES ISSUED FOR MINING NONMETALLIC MINERALS; PROVIDING DEFINITIONS; AMENDING SECTIONS 77-3-102, 77-3-117, 77-3-130, 77-3-203, AND 77-3-211, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 2281

618 *(Senate Bill No. 524; D. Lenz)* GENERALLY REVISING LAWS RELATED TO CATEGORY D ASSISTED LIVING FACILITIES; ALLOWING CATEGORY D LIVING FACILITIES TO BE INDEPENDENT FACILITIES OR COLOCATED WITH OTHER LICENSED FACILITIES; LIMITING THE NUMBER OF RESIDENTS PERMITTED IN A CATEGORY D ASSISTED LIVING FACILITY; CLARIFYING THAT CATEGORY D ASSISTED LIVING FACILITIES ARE NOT REQUIRED TO USE SECLUSION, CHEMICAL RESTRAINTS, OR PHYSICAL RESTRAINTS; REQUIRING CATEGORY D ASSISTED LIVING FACILITIES TO RECEIVE PRIOR AUTHORIZATION TO USE RESTRAINTS AND

SECLUSION; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO PROVIDE TECHNICAL ASSISTANCE AND A SPECIALIZED REIMBURSEMENT MODEL TO CATEGORY D ASSISTED LIVING FACILITIES; PROVIDING FOR DIVERSION FROM THE MONTANA STATE HOSPITAL TO CATEGORY D ASSISTED LIVING FACILITIES; PROVIDING A PROCESS TO COMMIT AN INDIVIDUAL TO A CATEGORY D ASSISTED LIVING FACILITY; AND AMENDING SECTIONS 50-5-226, 53-21-127, AND 53-21-199, MCA 2283

619 *(Senate Bill No. 532; F. Mandeville)* REVISING COUNTY ZONING LAWS TO ALLOW FOR ACCESSORY DWELLING UNITS; REQUIRING COUNTIES TO ADOPT CERTAIN REGULATIONS IN RELATION TO ACCESSORY DWELLING UNITS; PROHIBITING CERTAIN REGULATIONS IN RELATION TO ACCESSORY DWELLING UNITS; ALLOWING A COUNTY TO CHARGE A FEE TO REVIEW APPLICATIONS TO CREATE ACCESSORY DWELLING UNITS; AMENDING SECTION 76-4-130, MCA; AND PROVIDING A TERMINATION DATE..... 2291

620 *(Senate Bill No. 534; G. Hertz)* REVISING PROPERTY TAX ABATEMENTS FOR COMMUNICATION AND INTERNET PROPERTY; EXEMPTING CERTAIN WIRELESS INFRASTRUCTURE FROM PROPERTY TAXATION; AMENDING SECTIONS 15-6-135, 15-6-156, 15-6-219, AND 15-6-243, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE..... 2293

621 *(Senate Bill No. 535; K. Bogner)* REVISING LAWS RELATED TO EXPERIMENTAL TREATMENTS; PROVIDING FOR LICENSING OF EXPERIMENTAL TREATMENT CENTERS; AMENDING THE RIGHT TO TRY ACT; ESTABLISHING A HEALTH FREEDOM AND ACCESS REQUIREMENT FOR EXPERIMENTAL TREATMENT CENTERS; ESTABLISHING THE INSURANCE PREMIUM SUPPORT ACCOUNT AND RELATED STRUCTURE; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; AMENDING DEFINITIONS; AMENDING SECTIONS 33-1-102, 50-5-101, 50-12-102, 50-12-103, 50-12-104, 50-12-105, 50-12-106, 50-12-107, 50-12-108, AND 50-12-109, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 2299

622 *(Senate Bill No. 545; M. Cuffe)* ESTABLISHING THE DANNY L. RADISH HIGHWAY IN LINCOLN COUNTY; DIRECTING THE DEPARTMENT OF TRANSPORTATION TO INSTALL SIGNS AT THE LOCATION AND TO INCLUDE THE HIGHWAY ON THE NEXT PUBLICATION OF THE STATE HIGHWAY MAP; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 2311

623 *(Senate Bill No. 550; D. Fern)* REVISING CLASS FIVE PROPERTY TO INCLUDE CERTAIN TELECOMMUNICATIONS PROPERTY; AMENDING SECTION 15-6-135, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE 2312

624 *(Senate Bill No. 552; B. Usher)* PROVIDING THAT A PETITION TO TRANSFER MAY BE FILED BY A COUNTY ATTORNEY IF AN OFFENDER PREVIOUSLY SENTENCED FOR A FELONY WHO RECEIVED A SUSPENDED OR DEFERRED SENTENCE IN ONE COUNTY IS CHARGED WITH ANOTHER FELONY IN A DIFFERENT COUNTY SO THAT BOTH CASES CAN BE FILED IN THE COUNTY WHERE THE SECOND FELONY CASE IS ALLEGED TO HAVE

OCCURRED; PROVIDING A FILING FEE; AND AMENDING SECTIONS 46-18-203 AND 46-23-1011, MCA.....2314

625 *(Senate Bill No. 553; D. Zolnikov)* GENERALLY REVISING STATE POLICY LAWS; PROVIDING FOR RESIDENTIAL DEVELOPMENT COST SHARING; REVISING LAND AND CASH DONATION OPTIONS FOR PARK DEDICATIONS; PROVIDING RULEMAKING AUTHORITY; PROHIBITING EXPIRATION DATES ON AIRLINE TRAVEL CREDITS; ASSOCIATING OWNERSHIP WITH THE POSSESSOR OF THE TRAVEL CREDIT; LIMITING FEES; ALLOWING CASH REDEMPTION; PROVIDING DEFINITIONS; RENAMING THE ENERGY AND TELECOMMUNICATIONS INTERIM COMMITTEE; AMENDING SECTIONS 5-5-202, 5-5-230, 5-11-222, 10-4-310, 17-7-214, 30-14-102, 69-1-222, 69-8-402, 76-3-621, 85-1-501, AND 90-3-1301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.....2318

626 *(Senate Bill No. 555; V. Ricci)* GENERALLY REVISING GAMBLING LAWS; REVISING THE DEFINITION OF INTERNET GAMBLING TO INCLUDE ONLINE CASINOS; PROVIDING AN EXCEPTION FOR ONLINE CASINOS THAT DO NOT ALLOW THE USE OF CURRENCY OF ANY KIND; REVISING THE DISPOSAL OF FINES TO THE CREDIT OF THE DEPARTMENT OF JUSTICE; REVISING CRIMINAL PENALTIES TO INCLUDE MISDEMEANOR AND FELONY CRIMES; AND AMENDING SECTIONS 23-5-112, 23-5-123, 23-5-154, AND 23-5-162, MCA.....2338

627 *(Senate Bill No. 560; M. Regier)* GENERALLY REVISING LAWS RELATED TO NONPROFIT HOSPITAL COMMUNITY BENEFITS; ESTABLISHING REPORTING REQUIREMENTS FOR COMMUNITY BENEFIT EXPENSES; ASSESSING A FEE IF A NONPROFIT HOSPITAL'S COMMUNITY BENEFIT DOES NOT EQUAL OR EXCEED ITS POTENTIAL PROPERTY TAX LIABILITY; CREATING A CRITICAL ACCESS HEALTH CARE SPECIAL REVENUE ACCOUNT AND FUNDING PROGRAM; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 50-5-101 AND 50-5-121, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND APPLICABILITY DATES 2344

628 *(Senate Bill No. 564; K. Bogner)* REQUIRING THE DEPARTMENT OF ADMINISTRATION TO CREATE AND MANAGE A WEBSITE TO INCREASE PUBLIC ACCESS TO AND TRANSPARENCY OF STATE PROCUREMENT TRANSACTIONS; PROVIDING REQUIREMENTS FOR THE INFORMATION TO BE POSTED ON THE WEBSITE; AND AMENDING SECTION 18-4-126, MCA.....2352

629 *(House Bill No. 6; J. Fitzpatrick)* IMPLEMENTING THE RENEWABLE RESOURCE GRANT AND LOAN PROGRAM; APPROPRIATING MONEY TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR GRANTS UNDER THE RENEWABLE RESOURCE GRANT AND LOAN PROGRAM; PRIORITIZING PROJECT GRANTS AND AMOUNTS; AMENDING SECTION 85-1-612, MCA; ESTABLISHING CONDITIONS FOR GRANTS; PROVIDING FOR THE COORDINATION OF FUNDING; AND PROVIDING AN EFFECTIVE DATE.....2352

630 *(House Bill No. 7; J. Fitzpatrick)* IMPLEMENTING THE RECLAMATION AND DEVELOPMENT GRANTS PROGRAM; APPROPRIATING

MONEY TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR GRANTS UNDER THE RECLAMATION AND DEVELOPMENT GRANTS PROGRAM; PRIORITIZING PROJECT GRANTS AND AMOUNTS; ESTABLISHING CONDITIONS FOR GRANTS; AND PROVIDING AN EFFECTIVE DATE 2358

631 *(House Bill No. 31; N. Duram)* CLARIFYING CERTAIN BONDING REQUIREMENTS FOR WIND AND SOLAR GENERATION FACILITIES; PROVIDING FOR A DECOMMISSIONING LIEN; AMENDING SECTIONS 75-26-304 AND 75-26-308, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 2361

632 *(House Bill No. 55; G. Parry)* REVISING PUBLIC UTILITY RESOURCE PLANNING LAWS; PROVIDING TIMELINES; PROVIDING FOR AN INDEPENDENT EVALUATOR AND DUTIES; PROVIDING A DEFINITION; PROVIDING RULEMAKING AUTHORITY; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 69-1-114, 69-3-1204, 69-3-1205, 69-3-1207, 69-3-1208, AND 69-8-421, MCA; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING AN EFFECTIVE DATE 2364

633 *(House Bill No. 59; M. Vinton)* REVISING LAWS RELATED TO WATER WELL CONTRACTORS; REVISING WHO MAY CONTRACT ON BEHALF OF A LICENSED WATER WELL CONTRACTOR; CLARIFYING LICENSURE REQUIREMENTS FOR THE ABANDONMENT OR DECOMMISSIONING OF WELLS; INCREASING THE BOND AMOUNT REQUIRED FOR WATER WELL CONTRACTOR LICENSURE; REVISING COMPLAINT AND INVESTIGATION PROCEDURES; AND AMENDING SECTIONS 37-43-301, 37-43-302, 37-43-306, AND 37-43-309, MCA 2371

634 *(House Bill No. 69; S. Gist)* REVISING HARD ROCK AND ROCK PRODUCTS MINING FEES; PROVIDING FOR AN ANNUAL SMALL MINER ADMINISTRATIVE FEE AND LATE FEE, AN EXPLORATION LICENSE RENEWAL FEE, AN OPERATING PERMIT APPLICATION FEE, AN ANNUAL PERMIT FEE FOR MINES AND ROCK PRODUCTS MINES, AND A FEE FOR PERMIT AMENDMENTS; CREATING A HARD-ROCK MINING PERMITTING PROGRAM ACCOUNT; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 82-4-305, 82-4-311, 82-4-331, 82-4-332, 82-4-335, 82-4-339, 82-4-342, AND 82-4-343, MCA; AND PROVIDING AN EFFECTIVE DATE 2372

635 *(House Bill No. 84; S. Gist)* REVISING FIRE MANAGEMENT LAWS; ESTABLISHING THE PRESCRIBED FIRE MANAGER CERTIFICATION AND LIABILITY ACT; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; LIMITING THE LIABILITY OF CERTIFIED PRESCRIBED FIRE MANAGERS; PROVIDING FOR APPLICABILITY AND ENFORCEMENT OF THE ACT; CREATING A FUND; REQUIRING A PERMIT BEFORE A PRESCRIBED FIRE MAY BE IGNITED OR SET; AMENDING SECTIONS 50-63-102, 50-63-103, 76-13-121, AND 76-13-122, MCA; AND PROVIDING EFFECTIVE DATES 2385

636 *(House Bill No. 85; M. Bertoglio)* REINSTATING FORMER EMPLOYER CONTRIBUTION RATES FOR THE HIGHWAY PATROL OFFICERS' RETIREMENT SYSTEM, THE SHERIFFS' RETIREMENT SYSTEM, AND THE GAME WARDENS' AND PEACE OFFICERS' RETIREMENT SYSTEM; INSTITUTING A 0% EMPLOYER CONTRIBUTION RATE FOR THE JUDGES' RETIREMENT SYSTEM; PROVIDING APPROPRIATIONS; AMENDING SECTIONS 15-10-420, 17-7-502, 19-2-405, 19-2-409, 19-5-404,

19-6-404, 19-7-403, 19-7-404, AND 19-8-504, MCA; AND PROVIDING EFFECTIVE DATES AND A RETROACTIVE APPLICABILITY DATE 2387

637 *(House Bill No. 86; E. Buttrey)* GENERALLY REVISING ALCOHOL LAW; GENERALLY REVISING LAWS RELATED TO ALCOHOL WHOLESALERS; CREATING THE BEER AND TABLE WINE DISTRIBUTION ACT; PROVIDING DEFINITIONS; CREATING A DISTRIBUTOR'S LICENSE; PROVIDING REQUIREMENTS FOR OPERATION OF A DISTRIBUTOR'S LICENSE; PROVIDING FEES; REVISING LAWS RELATING TO BEER AND TABLE WINE DISTRIBUTION; REVISING LAWS RELATING TO WINERIES AND DISTRIBUTION OF WINE; PROVIDING FOR DISTRIBUTOR'S SERVICE OBLIGATIONS; AMENDING SECTIONS 16-1-106, 16-1-303, 16-1-406, 16-1-411, 16-3-101, 16-3-104, 16-3-212, 16-3-214, 16-3-241, 16-3-242, 16-3-243, 16-3-244, 16-3-301, 16-3-316, 16-3-321, 16-3-402, 16-3-406, 16-3-411, 16-4-101, 16-4-106, 16-4-107, 16-4-313, 16-4-314, 16-4-401, 16-4-406, 16-4-407, 16-4-501, AND 16-4-906, MCA; REPEALING SECTIONS 16-3-217, 16-3-218, 16-3-219, 16-3-220, 16-3-221, 16-3-222, 16-3-223, 16-3-224, 16-3-225, 16-3-226, 16-3-230, 16-3-231, 16-3-232, 16-3-233, 16-3-234, 16-3-401, 16-3-403, 16-3-404, 16-3-415, 16-3-416, 16-3-417, 16-3-418, 16-3-419, 16-3-420, 16-3-421, AND 16-4-113, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 2398

638 *(House Bill No. 129; L. Jones)* PROVIDING AN INCOME TAX BENEFIT FOR VOLUNTEER FIREFIGHTERS AND VOLUNTEER EMERGENCY CARE PROVIDERS; PROVIDING A DEDUCTION FROM TAXABLE INCOME; LIMITING THE DEDUCTION TO FULL-SERVICE VOLUNTEERS; PROVIDING FOR AN ANNUAL INCREASE IN THE DEDUCTION BY AN INFLATION FACTOR; AMENDING SECTION 15-30-2120, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE 2429

639 *(House Bill No. 137; S. Fitzpatrick)* REVISING SECURITIES REGISTRATION FEES TO ELIMINATE THE DISTINCTION BETWEEN IN-STATE AND OUT-OF-STATE SALESPERSONS OR INVESTMENT ADVISER REPRESENTATIVES; AMENDING SECTION 30-10-209, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE 2434

640 *(House Bill No. 140; C. Schomer)* PROVIDING PROPERTY TAX ASSISTANCE FOR FIRST RESPONDERS INJURED IN THE LINE OF DUTY AND SURVIVING SPOUSES OF FIRST RESPONDERS KILLED IN THE LINE OF DUTY; PROVIDING ELIGIBILITY REQUIREMENTS; PROVIDING DEFINITIONS; EXPANDING RULEMAKING AUTHORITY; AMENDING SECTIONS 15-6-301, 15-6-302, AND 15-6-312, MCA; AND PROVIDING AN APPLICABILITY DATE 2435

641 *(House Bill No. 153; D. Bedey)* GENERALLY REVISING LAWS RELATED TO THE SCHOOL FUNDING INTERIM COMMISSION; REVISING THE MEMBERSHIP OF THE COMMISSION; ESTABLISHING A DEADLINE FOR APPOINTMENTS TO THE COMMISSION; MODIFYING THE COMMISSION'S FOCUS FOR THE 2025-2026 INTERIM; CREATING AN INNOVATION AND EXCELLENCE IN EDUCATION WORKING GROUP FOR THE 2025-2026 INTERIM AND PROVIDING DUTIES OF THE WORKING GROUP; PROVIDING AN APPROPRIATION; AMENDING SECTION 5-20-301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 2439

642 *(House Bill No. 161; V. Moore)* ESTABLISHING A VENDING MACHINE ACCOUNT IN THE STATE SPECIAL REVENUE FUND; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE.....2442

643 *(House Bill No. 207; J. Etchart)* REVISING CANDIDATE FILING LAWS; REQUIRING CANDIDATES FOR LOCAL AND STATE OFFICE TO FILE FOR OFFICE PRIOR TO THE PRIMARY ELECTION; PROHIBITING UNSUCCESSFUL PRIMARY CANDIDATES FROM SEEKING NOMINATION IN THE GENERAL ELECTION; INCREASING DECREASING THE SIGNATURE PERCENTAGE REQUIRED FOR A THIRD-PARTY OR INDEPENDENT CANDIDATE PETITION; AMENDING SECTIONS 13-1-403, 13-1-502, 13-10-201, 13-10-211, 13-10-501, 13-10-502, AND 13-10-503, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.....2444

644 *(House Bill No. 239; M. Thiel)* REVISING LAWS RELATED TO CONSTRUCTION CONTRACTORS; TRANSFERRING CONSTRUCTION CONTRACTOR REGISTRATION TO A DEPARTMENT LICENSING PROGRAM; PROVIDING A PURPOSE; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; PROVIDING LICENSING REQUIREMENTS; PROVIDING FOR UNPROFESSIONAL CONDUCT; PROVIDING FOR FEES AND FINES; PROVIDING FOR PENALTIES FOR VIOLATIONS; AMENDING SECTIONS 18-2-413, 18-2-414, 37-1-401, 39-9-101, 39-9-102, 39-9-206, 39-9-207, 39-9-301, 39-9-303, AND 39-71-401, MCA; REPEALING SECTIONS 39-9-201 AND 39-9-204, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.....2448

645 *(House Bill No. 281; K. Walsh)* REVISING LAWS TO PROVIDE STATUTORY APPROPRIATION OF REINSURANCE ASSOCIATION MEMBER ASSESSMENTS; AMENDING SECTIONS 17-7-502 AND 33-22-1321, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.....2460

646 *(House Bill No. 284; C. Hinkle)* CREATING A MONTANA UNIVERSITY INVESTIGATION COMMITTEE; PROVIDING DUTIES AND MEMBERS; PROVIDING AN APPROPRIATION; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE 2462

647 *(House Bill No. 343; R. Gregg)* REVISING EDUCATION LAWS RELATED TO RELIGIOUS INSTRUCTION RELEASED TIME; REQUIRING SCHOOL DISTRICT TRUSTEES TO PROVIDE A RELIGIOUS INSTRUCTION RELEASED TIME PROGRAM; PROVIDING THAT THE PROGRAM MUST ALLOW A STUDENT AT LEAST 1 HOUR OF RELIGIOUS INSTRUCTION RELEASED TIME A WEEK; AUTHORIZING THAT SCHOOL DISTRICT TRUSTEES MAY ADOPT A POLICY AWARDING CREDIT FOR A RELIGIOUS INSTRUCTION RELEASED TIME COURSE AND PROVIDING REQUIREMENTS FOR THAT POLICY; AMENDING SECTION 20-1-308, MCA; AND PROVIDING AN EFFECTIVE DATE.....2463

648 *(House Bill No. 348; G. Nikolakakos)* REVISING THE SPECIAL SESSION LEGISLATIVE POLLING LAWS; INCREASING THE NUMBER OF LEGISLATORS REQUIRED TO TRIGGER A SPECIAL SESSION POLL; REQUIRING THAT THE REQUEST FOR A SPECIAL SESSION INCLUDE DRAFT LEGISLATION TO BE PROPOSED DURING THE SPECIAL SESSION; AMENDING SECTIONS 5-3-105 AND 5-3-106, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.....2464

649 *(House Bill No. 356; E. Tilleman)* EXPANDING THE LIVESTOCK LOSS REDUCTION AND MITIGATION PROGRAMS TO INCLUDE BLACK BEARS; AMENDING SECTIONS 2-15-3110, 2-15-3111, 2-15-3112, 2-15-3113, 81-1-110, AND 87-1-217, MCA; AND PROVIDING AN EFFECTIVE DATE 2465

650 *(House Bill No. 392; K. Zolnikov)* ESTABLISHING THE CHILD DIGITAL PROTECTION ACT; GENERALLY REVISING LAWS RELATED TO THE CREATION OF PROFITABLE FAMILY VIDEO CONTENT FEATURING MINOR CHILDREN; PROVIDING FOR TRUST CONTRIBUTIONS OF PROFITS MADE FROM VIDEO CONTENT FEATURING MINOR CHILDREN; PROVIDING A RIGHT TO REQUEST REMOVAL OF CONTENT; PROVIDING A PRIVATE RIGHT OF ACTION; AND PROVIDING DEFINITIONS 2470

651 *(House Bill No. 396; G. Overstreet)* GENERALLY REVISING LAWS RELATING TO BAIL; PROVIDING THAT A PERSON MAY NOT BE ADMITTED TO BAIL WITHOUT FIRST BEING TAKEN BEFORE A JUDGE IN A COURT OF RECORD IN THIS STATE; PROVIDING THAT THE TERMS OF AN INTERSTATE COMPACT OR AGREEMENT APPLY IN CERTAIN CIRCUMSTANCES; REVISING THE CRITERIA FOR BAIL AND DETERMINING THE AMOUNT OF BAIL; AND AMENDING SECTIONS 46-9-105, 46-9-109, AND 46-9-301, MCA 2473

652 *(House Bill No. 406; F. Nave)* REVISING DEADLINES RELATED TO SCHOOL DISTRICT ELECTIONS; ALIGNING CERTAIN DEADLINES WITH LOCAL GOVERNMENT ELECTIONS HELD ON THE SAME DAY AS A REGULAR SCHOOL ELECTION; AND AMENDING SECTIONS 13-10-211, 20-3-305, 20-20-201, AND 20-20-401, MCA 2474

653 *(House Bill No. 411; J. Gillette)* EXEMPTING AGRICULTURAL PROPERTY FROM OPEN SPACE PROPERTY TAX LEVIES; AMENDING SECTION 76-6-109, MCA; AND PROVIDING AN APPLICABILITY DATE 2477

654 *(House Bill No. 419; D. Bedey)* ESTABLISHING A STANDARDIZED COST REPORTING PROCESS FOR CERTAIN MEDICAID SERVICE PROVIDERS; PROVIDING AN APPROPRIATION; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 53-6-402, MCA; REPEALING SECTION 53-6-406, MCA; AND PROVIDING AN EFFECTIVE DATE 2478

655 *(House Bill No. 421; S. Gist)* INCREASING FIRE PROTECTION ASSESSMENT RATES COLLECTED BY THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION; AMENDING SECTION 76-13-201, MCA; AND PROVIDING AN EFFECTIVE DATE 2484

656 *(House Bill No. 444; P. Tuss)* GENERALLY REVISING LAWS RELATED TO RESIDENTIAL TENANTS' SECURITY DEPOSITS; PROVIDING LANDLORDS THE ABILITY TO PROVIDE NOTICES BY E-MAIL; SPECIFYING HOW THE LANDLORD MAY RETURN A SECURITY DEPOSIT; AMENDING SECTIONS 70-25-201 AND 70-25-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 2484

657 *(House Bill No. 446; J. Hinkle)* PROVIDING THE EXPOSURE OF A PERSON'S INTIMATE PARTS IN A PUBLIC PLACE TO MEMBERS OF THE OPPOSITE SEX OR THE OPPOSITE SEX OBSERVED AT BIRTH TO THE PERSON CONSTITUTES INDECENT EXPOSURE; PROVIDING A DEFINITION; AMENDING SECTIONS 45-5-504 AND 46-23-502, MCA; AND PROVIDING AN EFFECTIVE DATE 2486

658 *(House Bill No. 483; C. Sprunger)* GENERALLY REVISING SCHOOL FUNDING LAWS RELATED TO PROPERTY TAXES; REQUIRING THE OFFICE OF PUBLIC INSTRUCTION AND THE DEPARTMENT OF REVENUE TO COLLABORATE AND MITIGATE THE IMPACTS OF REAPPRAISAL ON SCHOOL PROPERTY TAXES; PROVIDING THAT THE STATE AND COUNTY SCHOOL EQUALIZATION MILLS AND VOCATIONAL-TECHNICAL EDUCATION MILLS ARE FIXED AMOUNTS; PROVIDING THAT SCHOOL LEVIES ARE NOT SUBJECT TO SECTION 15-10-420, MCA; REVISING THE PROPERTY TAX RELIEF MECHANISMS WITHIN THE SCHOOL EQUALIZATION AND PROPERTY TAX REDUCTION ACCOUNT; CONTINGENT ON PROPERTY TAX LEGISLATION ENACTED, INCREASING GUARANTEED TAX BASE MULTIPLIERS FOR FISCAL YEAR 2026 TO PROTECT PROPERTY TAXPAYERS; CONTINGENT ON PROPERTY TAX LEGISLATION ENACTED, LOWERING PROPERTY TAXES BY INCREASING THE ON-SCHEDULE REIMBURSEMENT RATES FOR SCHOOL TRANSPORTATION; REVISING THE STATE-COUNTY SHARE OF ON-SCHEDULE REIMBURSEMENTS FOR SCHOOL TRANSPORTATION; REVISING DEFINITIONS; AMENDING SECTIONS 15-10-420, 20-9-306, 20-9-331, 20-9-333, 20-9-336, 20-9-360, 20-9-366, 20-9-367, 20-9-368, 20-9-404, 20-9-525, 20-9-533, 20-10-141, 20-10-144, 20-10-145, 20-10-146, 20-25-439, AND 90-6-403, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE..... 2489

659 *(House Bill No. 545; T. Running Wolf)* REVISING LAWS RELATED TO MISSING AND MURDERED INDIGENOUS PERSONS; REVISING THE NAME, MEMBERSHIP, AND DUTIES OF THE MISSING INDIGENOUS PERSONS TASK FORCE; AND AMENDING SECTIONS 5-11-222, 44-2-411, AND 44-2-412, MCA..... 2510

660 *(House Bill No. 627; B. Mercer)* REVISING PROCUREMENT REPORTING REQUIREMENTS; REQUIRING THE DEPARTMENT OF ADMINISTRATION TO PROVIDE CERTAIN REPORTS TO THE LEGISLATIVE FINANCE COMMITTEE ON PROCUREMENT SOLICITATIONS, CONTRACTS, AND CONTRACT MODIFICATIONS; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE..... 2523

661 *(House Bill No. 692; B. Mercer)* GENERALLY REVISING THE SMART ACT; REQUIRING DEPARTMENTS TO PROVIDE ANNUAL PLANS EACH YEAR; REQUIRING DEPARTMENTS TO INCLUDE PROGRAM-LEVEL INITIATIVES IN THE REPORT; AMENDING SECTION 2-12-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE..... 2524

662 *(House Bill No. 940; A. Nicastro)* PROHIBITING OVERNIGHT CAMPING AND STORAGE OF PERSONAL PROPERTY ON A STATE HIGHWAY RIGHT-OF-WAY; PROVIDING PENALTIES; PROVIDING AN APPROPRIATION; PROVIDING RULEMAKING AUTHORITY; PROVIDING DEFINITIONS; AND PROVIDING EFFECTIVE DATES..... 2525

663 *(House Bill No. 953; E. Buttrey)* GENERALLY REVISING MEDICAID LAWS RELATED TO DIRECT PRIMARY CARE; ALLOWING FOR COVERAGE OF DIRECT PRIMARY CARE CONTRACTS UNDER THE MONTANA MEDICAID PROGRAM; PROHIBITING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES FROM REQUIRING A MEDICAID ENROLLEE TO PARTICIPATE IN A PRIMARY CARE CASE MANAGEMENT SERVICE IF THE ENROLLEE ENTERS INTO A DIRECT PRIMARY CARE CONTRACT; PROVIDING A DEFINITION OF DIRECT

PRIMARY CARE CONTRACT; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 53-6-101, 53-6-116, AND 53-6-124, MCA; AND PROVIDING AN EFFECTIVE DATE 2526

664 *(House Bill No. 9; J. Fitzpatrick)* ESTABLISHING PRIORITIES FOR CULTURAL AND AESTHETIC PROJECTS GRANT AWARDS; APPROPRIATING MONEY FOR CULTURAL AND AESTHETIC GRANTS; AND PROVIDING AN EFFECTIVE DATE 2531

665 *(House Bill No. 10; J. Fitzpatrick)* REVISING LAWS RELATED TO INFORMATION TECHNOLOGY CAPITAL PROJECTS; APPROPRIATING MONEY FOR INFORMATION TECHNOLOGY CAPITAL PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 2027; PROVIDING FOR MATTERS RELATING TO THE APPROPRIATIONS; PROVIDING FOR A TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE LONG-RANGE INFORMATION TECHNOLOGY PROGRAM ACCOUNT; PROVIDING FOR THE ACQUISITION, IMPLEMENTATION, AND CONFIGURATION OF NEW INFORMATION TECHNOLOGY SYSTEMS; PROMOTING STATEWIDE NETWORKS EFFICIENCIES; PROVIDING DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE 2533

666 *(House Bill No. 11; J. Fitzpatrick)* APPROPRIATING MONEY FROM THE MONTANA COAL ENDOWMENT SPECIAL REVENUE ACCOUNT TO THE DEPARTMENT OF COMMERCE FOR INFRASTRUCTURE PROJECTS, EMERGENCY GRANTS FOR FINANCIAL ASSISTANCE TO LOCAL GOVERNMENTS, AND INFRASTRUCTURE PLANNING GRANTS; AUTHORIZING GRANTS FROM THE MONTANA COAL ENDOWMENT SPECIAL REVENUE ACCOUNT; PLACING CONDITIONS ON GRANTS AND FUNDS; APPROPRIATING MONEY FROM THE MONTANA COAL ENDOWMENT REGIONAL WATER SYSTEM SPECIAL REVENUE ACCOUNT TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR FINANCIAL ASSISTANCE TO REGIONAL WATER AUTHORITIES FOR REGIONAL WATER SYSTEM PROJECTS; PROVIDING APPROPRIATIONS; AND PROVIDING AN EFFECTIVE DATE 2535

667 *(House Bill No. 12; J. Fitzpatrick)* APPROPRIATING MONEY FROM THE HISTORIC PRESERVATION GRANT PROGRAM ACCOUNT TO THE DEPARTMENT OF COMMERCE FOR HISTORIC PRESERVATION PROJECTS; AUTHORIZING GRANTS FROM THE HISTORIC PRESERVATION GRANT PROGRAM ACCOUNT; PLACING CONDITIONS ON GRANTS AND FUNDS; AMENDING SECTION 4(1), CHAPTER 710, LAWS OF 2023; AND PROVIDING AN EFFECTIVE DATE 2539

668 *(House Bill No. 76; S. Howell)* GENERALLY REVISING LAWS REGARDING THE BOARD OF BEHAVIORAL HEALTH; PROVIDING FOR CERTIFICATION AND REGULATION OF FAMILY PEER SUPPORT SPECIALISTS; PROVIDING A LICENSURE EXEMPTION FOR RELIGIOUS OFFICIALS; ESTABLISHING CERTIFICATION REQUIREMENTS; AND AMENDING SECTIONS 37-39-101, 37-39-102, 37-39-303, AND 37-39-312, MCA 2543

669 *(House Bill No. 117; A. Regier)* ESTABLISHING CRIMINAL JUSTICE DATA WAREHOUSE PROJECT PRIORITIES FOR THE 2025-2026 INTERIM; PROVIDING DEFINITIONS; PROVIDING APPROPRIATIONS; AMENDING SECTION 44-7-126, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 2547

670 *(House Bill No. 145; G. Parry)* REVISING THE NONRESIDENT BASE HUNTING LICENSE FEE; ALLOCATING A PORTION OF THE FEE TO HUNTING ACCESS PROGRAMS; AND AMENDING SECTION 87-2-116, MCA.....2550

671 *(House Bill No. 151; C. Keogh)* GENERALLY REVISING EDUCATION LAWS RELATED TO RECRUITMENT AND RETENTION AND THE MONTANA SCHOOL FOR THE DEAF AND BLIND; MAKING EDUCATIONAL SIGN LANGUAGE INTERPRETERS ELIGIBLE FOR THE QUALITY EDUCATOR PAYMENT AND THE QUALITY EDUCATOR LOAN ASSISTANCE PROGRAM; EXPANDING THE TYPES OF EDUCATIONAL ENTITIES THAT CAN RECEIVE INCENTIVES FOR MEETING STARTING TEACHER PAY BENCHMARKS AND THAT CAN PARTICIPATE IN THE TEACHER RESIDENCY PROGRAM; ALLOWING THE MONTANA SCHOOL FOR THE DEAF AND BLIND TO TRANSPORT RESIDENT STUDENTS BETWEEN HOME AND THE SCHOOL BY SCHOOL BUS; AMENDING SECTIONS 20-4-502, 20-4-503, 20-4-702, 20-8-121, 20-9-324, AND 20-9-327, MCA; AND PROVIDING EFFECTIVE DATES AND AN APPLICABILITY DATE.....2550

672 *(House Bill No. 168; J. Karlen)* REVISING SCHOOL FUNDING LAWS TO PROVIDE THAT 3-YEAR-OLD AND 4-YEAR-OLD CHILDREN WITH DISABILITIES PARTICIPATING IN SCHOOL DISTRICT SPECIAL EDUCATION PROGRAMS ARE ELIGIBLE FOR INCLUSION IN ANB CALCULATIONS; INCLUDING PRESCHOOL-AGED CHILDREN WITH DISABILITIES IN THE LIST OF EXCEPTIONAL CIRCUMSTANCES THAT ALLOWS TRUSTEES TO ADMIT CHILDREN BEYOND THE AGE RANGES OF 5 TO 19 TO ENSURE THAT PRESCHOOL-AGED CHILDREN WITH DISABILITIES IN A SPECIAL EDUCATION PROGRAM OF A DISTRICT ARE CONSIDERED PUPILS; AMENDING SECTIONS 20-5-101 AND 20-9-311, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.....2556

673 *(House Bill No. 228; B. Mercer)* REVISING REQUIREMENTS FOR THE REPORTING OF ACTUAL COSTS FOR LEGISLATION WITH PROJECTED FISCAL IMPACTS; REPEALING A TERMINATION DATE; AMENDING SECTION 5-4-208, MCA; REPEALING SECTION 6, CHAPTER 350, LAWS OF 2021; AND PROVIDING AN EFFECTIVE DATE.....2562

674 *(House Bill No. 231; L. Jones)* GENERALLY REVISING PROPERTY TAX LAWS; PROVIDING FOR A PROPERTY TAX REBATE ON A PRINCIPAL RESIDENCE BASED ON A CERTAIN AMOUNT OF PROPERTY TAXES PAID FOR TAX YEAR 2024; TEMPORARILY REDUCING CLASS FOUR RESIDENTIAL PROPERTY TAX RATES; REVISING TAX RATES FOR CERTAIN CLASS FOUR RESIDENTIAL AND COMMERCIAL PROPERTY; PROVIDING A LOWER TAX RATE FOR CERTAIN OWNER-OCCUPIED RESIDENTIAL PROPERTY AND LONG-TERM RENTALS; PROVIDING A LOWER TAX RATE FOR A PORTION OF COMMERCIAL PROPERTY VALUE; PROVIDING ELIGIBILITY AND APPLICATION REQUIREMENTS; PROVIDING FOR AN APPEAL PROCESS; PROVIDING FOR THE ADJUSTMENT OF CERTAIN LOCAL GOVERNMENT FIXED MILL LEVIES; PROVIDING APPROPRIATIONS; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 15-1-121, 15-6-134, 15-7-102, 15-15-101, 15-15-102, 15-15-103, 15-16-101, 15-17-125, AND 15-30-2120, MCA; AND

PROVIDING EFFECTIVE DATES, APPLICABILITY DATES, AND TERMINATION DATES 2562

675 *(House Bill No. 329; E. Byrne)* ENCOURAGING THE FORMATION OF AMMUNITION COMPONENT MANUFACTURING BUSINESSES IN MONTANA; PROVIDING EXEMPTIONS FROM PROPERTY TAXES, INDIVIDUAL INCOME TAXES, CORPORATE INCOME TAXES, AND OTHER BUSINESS-RELATED TAXES TO A MANUFACTURER OF AMMUNITION COMPONENTS; PROVIDING EXEMPTIONS FROM INDIVIDUAL INCOME TAXES AND CORPORATE INCOME TAXES TO AN INVESTOR OR LENDER THAT PROVIDES LOANS TO A MANUFACTURER OF AMMUNITION COMPONENTS; AMENDING SECTIONS 15-6-219, 15-30-2120, AND 15-31-113, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE, A RETROACTIVE APPLICABILITY DATE, AND A TERMINATION DATE 2592

676 *(House Bill No. 372; T. France)* REVISING LICENSE FEES USED FOR THE UPLAND GAME BIRD ENHANCEMENT PROGRAM; REVISING FEE AMOUNTS FOR HUNTING LICENSES; AMENDING SECTIONS 87-1-246, 87-2-401, 87-2-402, 87-2-405, 87-2-505, 87-2-510, 87-2-511, AND 87-2-711, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE 2599

677 *(House Bill No. 381; E. Buttrey)* GENERALLY REVISING LAWS REGARDING STUDENT EMPLOYMENT FOR HIGH SCHOOL CREDIT IN PUBLIC SCHOOLS AND NONPUBLIC SCHOOLS; PROVIDING THAT STUDENTS 16 YEARS OF AGE OR OLDER MAY EARN CREDIT TOWARD HIGH SCHOOL GRADUATION THROUGH EMPLOYMENT ON A PAID OR VOLUNTARY BASIS IN CERTAIN CARE SETTINGS; ALLOWING A PUBLIC HIGH SCHOOL OR NONPUBLIC HIGH SCHOOL TO IMPOSE CONDITIONS AND REQUIREMENTS ON WORK PERFORMED TO QUALIFY FOR HIGH SCHOOL CREDIT; PROVIDING DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE 2602

678 *(House Bill No. 424; K. Zolnikov)* REVISING PROPERTY INCLUDED IN CLASS SEVENTEEN AS DATA CENTER PROPERTY; EXTENDING THE TIMEFRAME IN WHICH THE DATA CENTER PROPERTY MUST BE BUILT; REVISING OWNERSHIP REQUIREMENTS; PROVIDING THAT THE SCHOOL EQUALIZATION MILLS MUST BE PAID ON CLASS SEVENTEEN PROPERTY WITHIN A DISTRICT THAT USES TAX INCREMENT FINANCING; PROVIDING REQUIREMENTS FOR THE SALE OF POWER PRODUCED BY A DATA CENTER; PROVIDING A DEFINITION; AMENDING SECTIONS 7-15-4286, 15-6-156, AND 15-6-162, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE..... 2603

679 *(House Bill No. 432; J. Darling)* REVISING WATER LAWS CONCERNING EXCEPTIONS TO THE CHANGE IN APPROPRIATION RIGHT PROCESS; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 3-7-224, 85-2-309, 85-2-402, AND 85-2-407, MCA..... 2609

680 *(House Bill No. 480; B. Ler)* GENERALLY REVISING LAWS RELATED TO WHEN A PARTY TO A PROCEEDING IS ENTITLED TO A TRIAL BY JURY; PROVIDING THAT ANY PARTY IN A PROCEEDING CHALLENGING LEGISLATIVE ACTS OR BALLOT ISSUES MAY DEMAND A TRIAL BY JURY TO DETERMINE AN ISSUE OF FACT; AMENDING SECTION 27-8-302, MCA..... 2621

681 *(House Bill No. 490; A. Regier)* GENERALLY REVISING LAWS RELATING TO WILDFIRES AND UTILITIES; REQUIRING CERTAIN ENTITIES TO PREPARE A WILDFIRE MITIGATION PLAN; PROVIDING DEFINITIONS; PROVIDING REQUIREMENTS FOR THE WILDFIRE MITIGATION PLAN; PROVIDING FOR APPROVAL OF THE WILDFIRE MITIGATION PLAN; REQUIRING UPDATED REPORTS RELATING TO THE WILDFIRE MITIGATION PLAN AND SUBMISSION OF AN UPDATED WILDFIRE MITIGATION PLAN; PROVIDING THAT CERTAIN ENTITIES THAT HAVE SUBSTANTIALLY FOLLOWED AN APPROVED WILDFIRE MITIGATION PLAN ARE AFFORDED CERTAIN CIVIL LIABILITY PROTECTIONS FOR INJURY OR DAMAGES CAUSED BY WILDFIRE; REVISING THE STANDARD OF CARE RELATING TO CERTAIN ENTITIES AND WILDFIRE; PROVIDING RULEMAKING AUTHORITY TO THE PUBLIC SERVICE COMMISSION RELATING TO WILDFIRE MITIGATION PLANS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 2622

682 *(House Bill No. 492; K. Zolnikov)* REVISING LOCAL GOVERNMENT LAWS; PROVIDING FOR LIMITED PARKING SPACE REQUIREMENTS IN MUNICIPAL ZONING; ALLOWING PROPERTY OWNERS, DEVELOPERS, AND BUILDERS TO PROVIDE MORE THAN THE MINIMUM NUMBER OF PARKING SPACES; AMENDING SECTIONS 76-2-304 AND 76-25-303, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE 2627

683 *(House Bill No. 495; B. Mitchell)* REPEALING THE FEDERAL MANDATES ACT; REVISING REPORTING REQUIREMENTS; AND REPEALING SECTIONS 2-1-401, 2-1-403, 2-1-404, 2-1-405, 2-1-406, 2-1-407, AND 2-1-408, MCA 2630

684 *(House Bill No. 505; M. Vinton)* PROVIDING THAT THE MONTANA HOUSING INFRASTRUCTURE REVOLVING LOAN FUND MAY BE USED TO SECURE BONDS AND PROVIDE FINANCING FOR ELIGIBLE PROJECTS AND RETAINING ALL INTEREST AND INCOME IN THE ACCOUNTS; PROVIDING FOR A TRANSFER OF FUNDS; ELIMINATING ELIGIBILITY PRIORITY; AMENDING SECTIONS 17-6-801, 17-6-804, AND 17-6-805, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE 2630

685 *(House Bill No. 513; J. Cohenour)* REVISING LAWS RELATED TO THE NAME, VOICE, AND VISUAL LIKENESS OF INDIVIDUALS; PROVIDING RIGHTS IN THE USE OF A NAME, VOICE, OR VISUAL LIKENESS; PROVIDING PENALTIES; PROVIDING DEFINITIONS; AND PROVIDING A DELAYED EFFECTIVE DATE 2632

686 *(House Bill No. 514; J. Cohenour)* GENERALLY REVISING LAWS RELATED TO VIOLATING PRIVACY IN COMMUNICATIONS; EXPANDING OFFENSES TO INCLUDE OBTAINING MONEY OR VALUABLES FROM A PERSON; ADDING THE ACT OF POSSESSING AND THREATENING TO DISCLOSE REAL OR DIGITALLY FABRICATED MEDIA AS A VIOLATION; PROVIDING PENALTIES; DEFINING DIGITALLY FABRICATED; AND AMENDING SECTION 45-8-213, MCA 2634

687 *(House Bill No. 515; L. Reksten)* GENERALLY REVISING LAWS RELATED TO FUNDING FOR SCHOOL FACILITIES AND TECHNOLOGY; CONSOLIDATING TWO EXISTING STATE SPECIAL REVENUE ACCOUNTS AND THEIR VARIOUS REVENUE SOURCES AND

PRIORITIZING THE FUNDING OF PROGRAMS; INCREASING THE SCHOOL MAJOR MAINTENANCE AMOUNT AND THE MULTIPLIER IN THE SCHOOL MAJOR MAINTENANCE AID FORMULA TO MAKE MORE MONEY AVAILABLE TO SCHOOL DISTRICTS FOR MAJOR MAINTENANCE PROJECTS WITHOUT IMPACTING PROPERTY TAXPAYERS; REVISING STATUTES RELATED TO THE STATE SCHOOL TECHNOLOGY PAYMENT; REMOVING OUTDATED LANGUAGE RELATED TO THE NATURAL RESOURCE DEVELOPMENT PAYMENT AND PROVIDING THAT THE PAYMENT CAN SUPPORT SCHOOL MAJOR MAINTENANCE AID AND DEBT SERVICE ASSISTANCE; REVISING AN EXISTING STATUTORY APPROPRIATION; PROVIDING FOR TRANSFERS; AMENDING SECTIONS 17-5-703, 17-7-502, 20-6-702, 20-9-380, 20-9-502, 20-9-516, 20-9-525, 20-9-533, 20-9-622, AND 20-9-635, MCA; REPEALING SECTION 20-9-534, MCA; AND PROVIDING EFFECTIVE DATES 2636

688 *(House Bill No. 516; K. Walsh)* TRANSFERRING THE WORKERS' COMPENSATION JUDGE FROM THE DEPARTMENT OF LABOR AND INDUSTRY TO THE JUDICIAL BRANCH; PROVIDING FOR SUPERVISION AND ADMINISTRATION BY THE SUPREME COURT; CREATING A WORKERS' COMPENSATION COURT FUND AND PROVIDING FOR AN ANNUAL TRANSFER OF FUNDS TO THE FUND; PROVIDING FOR A TRANSITION; PROVIDING FOR A ONE-TIME ELECTION FOR THE CURRENT WORKERS' COMPENSATION JUDGE TO ELECT TO REMAIN IN THE JUDGE'S CURRENT RETIREMENT SYSTEM; AMENDING SECTIONS 2-15-1707, 19-5-301, AND 39-71-201, MCA; AND PROVIDING AN EFFECTIVE DATE 2650

689 *(House Bill No. 527; M. Thiel)* REVISING THE PROCESS FOR WRITTEN PLANS OF CONDUCT FOR ELECTIONS CONDUCTED BY MAIL; REQUIRING THE PLAN TO BE POSTED TO THE COUNTY ELECTION OFFICE WEBSITE; AND AMENDING SECTIONS 13-19-105, 13-19-205, 13-19-206, AND 20-20-201, MCA 2655

690 *(House Bill No. 575; P. Strand)* GENERALLY REVISING THE PROCEEDINGS IN WHICH A PUBLIC DEFENDER MAY BE ASSIGNED; AUTHORIZING THAT A COURT MAY ASSIGN A PUBLIC DEFENDER FOR A PARENT IN A PROCEEDING TO INVOLUNTARILY TERMINATE THE PARENT'S PARENTAL RIGHTS; PROVIDING THAT A COURT MAY ORDER ASSIGNMENT OF A PUBLIC DEFENDER TO SERVE AS A MEMBER OF A TREATMENT COURT TEAM; AMENDING SECTION 47-1-104, MCA; AND PROVIDING AN EFFECTIVE DATE 2657

691 *(House Bill No. 584; E. Buttrey)* GENERALLY REVISING LAWS RELATED TO DENTAL ANESTHESIA INSPECTIONS; AUTHORIZING THE BOARD OF DENTISTRY TO ESTABLISH STANDARDS FOR PERMITS AND INSPECTIONS RELATED TO THE ADMINISTRATION OF ANESTHESIA BY A DENTIST; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; ALLOWING FOR THE ESTABLISHMENT OF FEES; ALLOWING A TEMPORARY PERMIT; AND AMENDING SECTION 37-4-101, MCA 2661

692 *(House Bill No. 586; M. Lee)* REVISING CHILD SAFETY RESTRAINT SYSTEM LAWS; REQUIRING THE USE OF A CHILD SAFETY RESTRAINT SYSTEM FOR CHILDREN UNDER CERTAIN AGE THRESHOLDS; PROVIDING EXEMPTIONS FOR CERTAIN VEHICLES AND CIRCUMSTANCES FROM CHILD SAFETY RESTRAINT SYSTEM

LAWS; PROVIDING DEFINITIONS; AND AMENDING SECTIONS 61-9-419, 61-9-420, AND 61-9-421, MCA 2663

693 *(House Bill No. 588; N. Duram)* REVISING TRANSPORTATION LAWS; DEFINING MOTORIZED SCOOTER; PROVIDING REGULATIONS FOR MOTORIZED SCOOTERS; AND AMENDING SECTIONS 61-1-101, 61-3-317, 61-8-102, 61-8-601, 61-8-602, 61-8-603, 61-8-604, 61-8-606, 61-8-607, 61-8-608, 61-8-609, AND 61-9-417, MCA 2665

694 *(House Bill No. 590; G. Oblander)* GENERALLY REVISING LAWS RELATED TO ELECTRONIC HEALTH RECORDS; REQUIRING HEALTH CARRIERS TO ESTABLISH AND MAINTAIN CERTAIN APPLICATION PROGRAMMING INTERFACES FOR THE BENEFIT OF THE INSURED; AND PROVIDING A DELAYED EFFECTIVE DATE 2680

695 *(House Bill No. 592; C. Sprunger)* GENERALLY REVISING STATE AGENCY RULEMAKING UNDER THE ADMINISTRATIVE PROCEDURE ACT; REQUIRING AN AGENCY TO CONTACT THE PRIMARY SPONSOR OF LEGISLATION RELATED TO A RULE PROPOSAL; REVISING AGENCY NOTICE AND HEARING REQUIREMENTS; REQUIRING AN AGENCY TO IMPLEMENT AN INTERESTED PERSONS LIST FOR RULE PROPOSALS; SPECIFYING RULE REVIEW COMMITTEE OBJECTION NOTIFICATION REQUIREMENTS; AMENDING SECTIONS 2-3-301, 2-4-110, 2-4-111, 2-4-302, 2-4-305, 2-4-306, 2-4-406, AND 37-1-122, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE 2681

696 *(House Bill No. 599; M. Nikolakakos)* REVISING PARENTAL RIGHTS REGARDING DATA COLLECTION FOR CHILDREN; PROVIDING OPT-OUT AND OPT-IN OPTIONS FOR PARENTS REGARDING EVALUATIONS, SURVEYS, AND DATA COLLECTION; REQUIRING THAT NOTIFICATIONS BE SENT TO PARENTS REGARDING ANY PHYSICAL AND MENTAL HEALTH SCREENINGS OR SURVEYS; AND AMENDING SECTION 40-6-701, MCA 2696

697 *(House Bill No. 602; G. Overstreet)* REQUIRING WRITTEN NOTICE TO THE SCHOOL DISTRICT BOARD OF TRUSTEES WHEN A DISTRICT ADMINISTRATOR PROPOSES TO NONRENEW A NONTENURE TEACHER FOR FINANCIAL REASONS; REQUIRING THE BOARD OF TRUSTEES TO PLACE THE NOTICE OF THE PROPOSAL TO NONRENEW ON THE AGENDA FOR A PUBLIC SCHOOL BOARD MEETING AND TO PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT; CLARIFYING THAT FINANCIAL REASONS ARE WITHOUT CAUSE; AMENDING SECTION 20-4-206, MCA; AND PROVIDING AN EFFECTIVE DATE 2698

698 *(House Bill No. 620; S. Gist)* REVISING LAWS PROHIBITING CONTRACTS THAT RESTRICT PRACTICE TO INCLUDE LICENSED PHYSICIANS OF ALL SPECIALTIES; PROVIDING EXCEPTIONS; AMENDING SECTION 28-2-724, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE 2699

699 *(House Bill No. 621; S. Gist)* ALLOWING A LOCAL FIRST RESPONDER ENTITY TO ESTABLISH A PEER SUPPORT PROGRAM; PROVIDING FOR MINIMUM REQUIREMENTS OF A LOCAL FIRST RESPONDER PEER SUPPORT PROGRAM; AND PROHIBITING A QUALIFIED PEER SUPPORTER FROM TESTIFYING ABOUT THE CONTENT OF A PEER SUPPORT SESSION 2700

700 *(House Bill No. 623; G. Parry)* ESTABLISHING LEGISLATIVE APPROVAL OF THE SITING OF SPENT NUCLEAR FUEL STORAGE FACILITIES PRODUCED BY A NUCLEAR POWER GENERATING FACILITY OPERATING WITHIN THE STATE; PROVIDING A DEFINITION; AMENDING SECTION 75-20-204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.....2701

701 *(House Bill No. 624; E. Tilleman)* GENERALLY REVISING LAWS RELATED TO HOBBYIST APIARIES; PROVIDING FOR AN INCREASED NUMBER OF ALLOWED HIVE AND SITE REGISTRATIONS; AND AMENDING SECTION 80-6-114, MCA.....2702

702 *(House Bill No. 626; B. Mercer)* REVISING LAWS RELATED TO DRIVING UNDER THE INFLUENCE; REVISING SENTENCING WHEN A PERSON HAS A PENDING OR SUBSEQUENT OFFENSE WHILE AWAITING SENTENCING ON A PRESENT OFFENSE; AND AMENDING SECTION 61-8-1011, MCA 2702

703 *(House Bill No. 633; G. Parry)* REVISING CERTAIN STRIP AND UNDERGROUND MINE APPLICATION AND PERMIT PROVISIONS; REVISING CUMULATIVE HYDROLOGIC IMPACT ASSESSMENT REQUIREMENTS; REVISING CONTESTED CASE HEARING PROCEDURES; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 82-4-206 AND 82-4-231, MCA; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 2704

704 *(House Bill No. 641; C. Sprunger)* REPEALING THE LEWIS AND CLARK BICENTENNIAL LICENSE PLATE PROGRAM; REMOVING THE DEPARTMENT OF COMMERCE LEWIS AND CLARK BICENTENNIAL ACCOUNT; AMENDING SECTION 17-7-502, MCA; REPEALING SECTIONS 2-15-151 AND 90-1-115, MCA; AND PROVIDING AN EFFECTIVE DATE 2709

705 *(House Bill No. 667; E. Buttrey)* REVISING LAWS RELATED TO EMPLOYERS WHOSE EMPLOYEES SEEK, ARE APPOINTED TO, OR ARE ELECTED TO A PUBLIC OFFICE; PROHIBITING EMPLOYERS FROM RESTRICTING EMPLOYEES FROM SEEKING ELECTION OR APPOINTMENT TO PUBLIC OFFICE; PROHIBITING AN EMPLOYER FROM RESTRICTING CERTAIN EMPLOYEES WHO SERVE DURING A MANDATORY LEAVE OF ABSENCE FOR PUBLIC OFFICE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.....2711

706 *(House Bill No. 669; D. Bedey)* REVISING LAWS REGARDING EDUCATIONAL PROGRAMS FOR ELIGIBLE CHILDREN RECEIVING IN-STATE INPATIENT TREATMENT OF SERIOUS EMOTIONAL DISTURBANCES; CLARIFYING THE TUITION CALCULATIONS FOR CERTAIN ELIGIBLE CHILDREN; CLARIFYING THE RULEMAKING AUTHORITY PROVIDED TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION; AMENDING SECTIONS 20-7-419 AND 20-7-435, MCA; AND PROVIDING AN EFFECTIVE DATE.....2712

707 *(House Bill No. 680; K. Walsh)* GENERALLY REVISING TRADE AND COMMERCE LAWS; REVISING CONTRACT TERM LIMITS FOR THE MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION; AMENDING SECTION 22-3-1003, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 2714

708 *(House Bill No. 681; J. Fitzpatrick)* REVISING LAWS RELATED TO LOCAL AND STATE REGULATION OF SUBDIVISIONS AND DETERMINATIONS OF WATER AVAILABILITY; REVISING SUBDIVISION REVIEW CRITERIA INVOLVING THE AVAILABILITY OF WATER; CLARIFYING THE DEFINITION OF WATER RIGHT; REVISING PROCESSES FOR ISSUANCE OF A CERTIFICATE OF WATER RIGHT FOR AN APPROPRIATION OF GROUNDWATER THAT IS EXEMPT FROM PERMITTING REQUIREMENTS; AMENDING SECTIONS 76-3-501, 76-3-604, 76-3-608, 76-3-622, 76-4-104, 85-2-102, AND 85-2-306, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE 2716

709 *(House Bill No. 682; G. Kmetz)* GENERALLY REVISING LAWS RELATED TO GENDER TRANSITION TREATMENT; PROVIDING A STATUTE OF LIMITATIONS FOR TORT ACTIONS INVOLVING GENDER TRANSITION TREATMENT ON MINORS; PROVIDING FOR RECIPROCAL COVERAGE OF DETRANSITION TREATMENT IN PRIVATE INSURANCE AND PUBLIC EMPLOYEE AND MONTANA UNIVERSITY SYSTEM INSURANCE PLANS; PROVIDING THAT DETRANSITION TREATMENT BE INCLUDED AS A SERVICE UNDER MEDICAID AND HEALTHY MONTANA KIDS IN CERTAIN SITUATIONS; AMENDING SECTIONS 2-18-704, 27-2-204, 27-2-205, 33-31-111, 33-35-306, 53-4-1005, AND 53-6-101, MCA; AND PROVIDING EFFECTIVE DATES 2731

710 *(House Bill No. 683; S. Gist)* REVISING CONFLICT OF INTEREST LAWS FOR CERTAIN LOCAL GOVERNMENT CONTRACTS; PROHIBITING CONTRACTS WITH A PERSON OR ENTITY THAT WAS INVOLVED IN THE DESIGN OR ENGINEERING OF A PRIMARY PROJECT; REQUIRING THE DISCLOSURE OF CONFLICTS; PROVIDING A DEFINITION; AND AMENDING SECTIONS 7-3-1323, 7-5-2301, 7-5-4301, AND 7-14-2404, MCA 2744

711 *(House Bill No. 684; S. Fitzpatrick)* REVISING THE DEADLINE FOR THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO REVIEW DATA FOR WATER QUALITY ASSESSMENTS; AND AMENDING SECTION 75-5-702, MCA 2747

712 *(House Bill No. 685; S. Fitzpatrick)* PROVIDING A FEASIBILITY ALLOWANCE TO MEET THE WATER QUALITY NONDEGRADATION POLICY; REVISING A DEFINITION; AMENDING ADMINISTRATIVE RULES; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 75-5-103, 75-5-301, 75-5-303, 75-5-316, 75-5-516, AND 75-5-605, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 2750

713 *(House Bill No. 686; J. Etchart)* GENERALLY REVISING LAWS RELATED TO PHYSICIAN ASSISTANTS; INCREASING PHYSICIAN ASSISTANT MEMBERSHIP ON THE BOARD OF MEDICAL EXAMINERS; AND AMENDING SECTION 2-15-1731, MCA 2765

714 *(House Bill No. 690; B. Mercer)* GENERALLY REVISING CHILD ABUSE AND NEGLECT LAWS; CLARIFYING THAT CERTAIN DEFINITIONS OF ABUSE AND NEGLECT DO NOT INCLUDE REFERRING TO OR RAISING A CHILD IN A MANNER CONSISTENT WITH THE CHILD'S BIOLOGICAL SEX; PROVIDING THAT A MEMBER OF THE UNITED STATES CONGRESS OR THE MONTANA LEGISLATURE MAY NOT DISCLOSE INFORMATION TO A PARENT OR GUARDIAN THAT

IS SUBJECT TO ATTORNEY-CLIENT PRIVILEGE; PROVIDING AN EXCEPTION; PROVIDING THAT A MEMBER MAY CHALLENGE THE DEPARTMENT'S DESIGNATION OF A RECORD AS ATTORNEY-CLIENT PRIVILEGED; AND AMENDING SECTIONS 41-3-102 AND 41-3-205, MCA 2765

715 *(House Bill No. 725; L. Schubert)* GENERALLY REVISING THE APPOINTMENT OR ELECTION OF COMMITTEE REPRESENTATIVES; PROVIDING THAT AN INDIVIDUAL MAY NOT BE APPOINTED OR ELECTED TO SERVE AS A COMMITTEE REPRESENTATIVE FOR MORE THAN ONE POLITICAL PARTY IN THE SAME TERM; AND AMENDING SECTION 13-38-201, MCA 2779

716 *(House Bill No. 745; E. Tilleman)* REVISING SCHOOL LAWS TO ENHANCE STUDENT SAFETY; REQUIRING SCHOOL DISTRICTS TO ADOPT A STUDENT PROTECTION POLICY THAT REQUIRES BACKGROUND CHECKS FOR ANY INDIVIDUAL WHO MAY HAVE UNSUPERVISED CONTACT WITH STUDENTS; REQUIRING SCHOOL DISTRICTS WHO FAIL TO COMPLY WITH THEIR STUDENT PROTECTION POLICY TO SUBMIT A CORRECTION PLAN WITH THE SUPERINTENDENT OF PUBLIC INSTRUCTION; REQUIRING BACKGROUND CHECKS FOR EDUCATOR LICENSURE; AMENDING SECTIONS 20-3-323, 20-3-324, AND 20-4-104, MCA; AND PROVIDING AN EFFECTIVE DATE 2780

717 *(House Bill No. 756; J. Fitzpatrick)* REVISING THE MONTANA MUSEUMS ACT OF 2020; REVISING THE CRITERIA USED TO MAKE RECOMMENDATIONS FOR GRANTS AWARDED UNDER THE HISTORIC PRESERVATION GRANT PROGRAM; AND AMENDING SECTION 22-3-1306, MCA 2784

718 *(House Bill No. 757; J. Fitzpatrick)* GENERALLY REVISING CULTURAL AND AESTHETIC PROJECTS GRANTS; PROVIDING CRITERIA BY WHICH THE CULTURAL AND AESTHETIC PROJECTS ADVISORY COMMITTEE SHALL PRIORITIZE APPLICATIONS FOR GRANTS; PROVIDING AN EXCEPTION ON THE REQUIREMENT TO OBTAIN A FEDERAL SYSTEM FOR AWARD MANAGEMENT NUMBER; AND AMENDING SECTION 22-2-302, MCA 2785

719 *(House Bill No. 760; G. Nikolakakos)* ESTABLISHING SOLAR CONSUMER PROTECTION LAWS; PROVIDING A SOLAR BUYER'S RIGHT TO CANCEL; PROVIDING TIMELINES; PROVIDING DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 2787

720 *(House Bill No. 768; Z. Wirth)* REVISING LAWS RELATING TO EQUINE ACTIVITY LIABILITY LIMITATIONS; PROVIDING FOR WAIVERS OF LIABILITIES FOR PARTICIPANTS IN EQUINE ACTIVITIES; ALLOWING EQUINE ACTIVITY WAIVERS TO BE LEGALLY CHALLENGED ON OTHER GROUNDS; AND AMENDING SECTION 27-1-727, MCA 2788

721 *(House Bill No. 769; E. Matthews)* REVISING THE COMPUTATION OF MEAL ALLOWANCES FOR CERTAIN EMPLOYEES THAT WORK NIGHT-SHIFT HOURS; AMENDING SECTION 2-18-502, MCA 2789

722 *(House Bill No. 770; J. Etchart)* REVISING CAMPAIGN FINANCE REPORTING REQUIREMENTS AND CONSEQUENCES FOR FAILURE TO FILE; CLARIFYING THAT CANDIDATES SHALL FILE REPORTS EVEN IF NO CONTRIBUTIONS OR EXPENDITURES WERE MADE; CLARIFYING THAT FAILURE TO REPORT RESULTS IN REMOVAL

FROM THE BALLOT IN AN ELECTION; AND AMENDING SECTION 13-37-226, MCA 2790

723 *(House Bill No. 775; K. Walsh)* REPEALING THE SUNSET DATE OF LAWS REGARDING JUDICIAL REVIEW OF WATER RIGHTS; AUTHORIZING WATER COURT REVIEW OF CERTAIN DECISIONS OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION; CLARIFYING WATER COURT DUTIES; REPEALING SECTION 6, CHAPTER 126, LAWS OF 2017; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 2792

724 *(House Bill No. 778; R. Gregg)* GENERALLY REVISING REQUIREMENTS REGARDING HOME SCHOOLS; SEPARATING THE REQUIREMENTS FOR HOME SCHOOLS FROM THE REQUIREMENTS FOR NONPUBLIC SCHOOLS; AMENDING SECTION 20-5-109, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE..... 2792

725 *(House Bill No. 786; J. Darling)* REVISING THE RESPONSIBILITIES OF THE PRESIDING OFFICER OF THE MONTANA ARTS COUNCIL; REMOVING THE TITLE OF CHIEF EXECUTIVE OFFICER FROM THE PRESIDING OFFICER POSITION OF THE COUNCIL; AMENDING SECTION 22-2-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 2793

726 *(House Bill No. 794; C. Schomer)* GENERALLY REVISING PHARMACY LAWS; UPDATING AND CLARIFYING DEFINITIONS; REVISING THE DEFINITION OF A PHARMACY TECHNICIAN; REMOVING THE UTILIZATION PLAN REQUIREMENT FOR IN-STATE PHARMACIES AND OUT-OF-STATE MAIL ORDER PHARMACIES; CLARIFYING THE POWERS AND DUTIES OF THE BOARD OF PHARMACY; PROVIDING RULEMAKING AUTHORITY; REQUIRING AN ENDORSEMENT TO PRACTICE AS A CLINICAL PHARMACIST PRACTITIONER; REMOVING OUTDATED NOTIFICATION PRACTICES REGARDING BIOSIMILAR PRODUCT SELECTION; REMOVING OUTDATED GENERIC DRUG SIGNAGE REQUIREMENTS; CLARIFYING PHARMACY WHOLESALE DISTRIBUTION LICENSES; AMENDING SECTIONS 2-18-704, 37-7-101, 37-7-105, 37-7-201, 37-7-301, 37-7-306, 37-7-502, 37-7-505, 37-7-601, 37-7-602, 37-7-603, 37-7-604, 37-7-701, 37-7-702, 37-7-703, 37-7-704, 37-7-705, 37-7-706, 39-71-727, AND 53-6-1002, MCA; AND REPEALING SECTIONS 37-7-307, 37-7-308, 37-7-309 AND 37-7-506, MCA..... 2793

727 *(House Bill No. 801; S. Maness)* REVISING LAWS RELATING TO FIREARMS; PROVIDING FOR THE MONTANA FIREARMS LIABILITY CLARIFICATION ACT; PROVIDING LEGISLATIVE INTENT; PROVIDING DEFINITIONS; PROVIDING LIMITATIONS ON NEGLIGENT MARKETING CLAIMS; CREATING A PREDICATE EXCEPTION LIMITATION; PROVIDING PENALTIES; AND CREATING A PRIVATE RIGHT OF ACTION 2814

728 *(House Bill No. 807; J. Hinkle)* PROHIBITING VACCINES ALLOWED UNDER AN EMERGENCY USE AUTHORIZATION OR UNDERGOING SAFETY TRIALS FROM BEING REQUIRED; AND AMENDING SECTION 49-2-312, MCA 2816

729 *(House Bill No. 817; P. Fielder)* GENERALLY REVISING HUNTING LICENSING LAWS FOR PERSONS UNDER 18 YEARS OF AGE; ALLOWING FOR THE ISSUING OF A FREE SPECIAL PERMIT LICENSE FOR ELK, DEER, OR ANTELOPE TO A PERSON UNDER

18 YEARS OF AGE WITH A LIFE-THREATENING ILLNESS WHO IS RECOMMENDED TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS BY A MONTANA CHARITY OR NONPROFIT ORGANIZATION; SETTING REQUIREMENTS TO OBTAIN A LICENSE; SETTING REQUIREMENTS TO USE A LICENSE; SETTING LICENSE CAPS; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 87-2-105 AND 87-2-805, MCA.....2817

730 *(House Bill No. 818; B. Mitchell)* REVISING CAMPAIGN FINANCE LAWS; PROHIBITING A FOREIGN NATIONAL FROM INTERFERING IN STATEWIDE BALLOT ISSUES; PROHIBITING A CONTRIBUTION, EXPENDITURE, OR INDEPENDENT EXPENDITURE USING FUNDS RECEIVED FROM A FOREIGN NATIONAL; PROVIDING DEFINITIONS; PROVIDING PENALTIES; AMENDING SECTIONS 13-37-501, 13-37-502, AND 13-37-503, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.....2820

731 *(House Bill No. 819; B. Mitchell)* REVISING LAWS RELATED TO THE DISPLAY OF FLAGS AND BANNERS IN OR ON GOVERNMENT PROPERTY, STATE BUILDINGS AND GROUNDS, PUBLIC SCHOOLS, AND OTHER GOVERNMENT-OWNED FACILITIES; PROVIDING LEGISLATIVE FINDINGS; PROVIDING DEFINITIONS; PROVIDING RESTRICTIONS; PROVIDING EXCEPTIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.....2821

732 *(House Bill No. 833; J. Fitzpatrick)* PROVIDING FUNDING FOR ADDITIONAL CORRECTIONAL CAPACITY; ESTABLISHING THE FUTURE OF CORRECTIONS FUND; PROVIDING LEGISLATIVE CONSENT TO CONSTRUCT CORRECTIONAL FACILITIES; AUTHORIZING AGREEMENTS TO SECURE ADDITIONAL CORRECTIONAL CAPACITY; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING FOR A TRANSFER OF FUNDS; PROVIDING APPROPRIATIONS; AUTHORIZING AN OPTIONAL LEASE-TO-OWN AGREEMENT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.....2823

733 *(House Bill No. 834; B. Mercer)* ESTABLISHING THE GOVERNMENT DATA AND IMPACT COMMISSION; OUTLINING MEMBERSHIP OF THE COMMISSION; PROVIDING DUTIES OF THE COMMISSION; PROVIDING AN APPROPRIATION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.....2825

734 *(House Bill No. 845; J. Darling)* INCREASING THE INCOME TAX DEDUCTION FOR CONTRIBUTIONS TO A FAMILY EDUCATION SAVINGS ACCOUNT; PROVIDING FOR INFLATIONARY INCREASES; AMENDING SECTIONS 15-30-2120 AND 15-62-207, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.....2827

735 *(House Bill No. 846; K. Walsh)* GENERALLY REVISING PROPERTY TAXATION FOR CERTAIN LOCAL GOVERNMENT SUBDIVISIONS; PROVIDING FOR RECONCILIATION PAYMENTS BETWEEN CERTAIN SCHOOL DISTRICTS WHEN ISOLATED PUPILS ARE INVOLVED; ESTABLISHING A PROCESS FOR A SCHOOL DISTRICT TO SEEK A RECONCILIATION PAYMENT BY PETITIONING THE COUNTY SUPERINTENDENT AND PAYING A PROCESSING FEE; PROVIDING THAT THE TAXABLE VALUE OF TERRITORY TRANSFERRED

BETWEEN SCHOOL DISTRICTS IS SPLIT BETWEEN THE DISTRICTS FOR A PERIOD OF 3 YEARS; PROVIDING FOR PAYMENTS BETWEEN DISTRICTS FOLLOWING A TERRITORY TRANSFER IF A RECONCILIATION PAYMENT WAS MADE PREVIOUSLY; PROVIDING DEFINITIONS; AMENDING SECTION 20-6-105, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.....2832

736 *(House Bill No. 849; J. Seckinger)* PROVIDING FOR SPECIAL MOTORCYCLE LICENSE PLATES FOR PROMOTING MOTORCYCLE SAFETY AND AWARENESS; ESTABLISHING A FEE FOR THE SPECIAL MOTORCYCLE LICENSE PLATES AND REQUIRING THAT THE PROCEEDS BE USED FOR GRANTS TO NONPROFIT ORGANIZATIONS IDENTIFIED BY RULES ADOPTED BY THE DEPARTMENT OF TRANSPORTATION; STATUTORILY APPROPRIATING THE FEE PROCEEDS TO THE DEPARTMENT OF TRANSPORTATION; PROVIDING RULEMAKING AUTHORITY; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTION 17-7-502, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.....2838

737 *(House Bill No. 853; G. Nikolakakos)* GENERALLY REVISING LICENSED ESTABLISHMENT FEES; INCREASING RETAIL FOOD ESTABLISHMENT FEES, WHOLESALE FOOD ESTABLISHMENT FEES, PUBLIC ACCOMMODATION FEES, TRAILER COURT AND CAMPGROUND FEES, AND POOL AND SPA FEES; ADDING SEASONAL AND YEAR-ROUND CATEGORIES; PROVIDING DEFINITIONS; AND AMENDING SECTIONS 50-50-102, 50-50-201, 50-50-205, 50-51-204, 50-52-202, 50-53-102, 50-53-203, AND 50-57-205, MCA.....2840

738 *(House Bill No. 863; L. Jones)* GENERALLY REVISING STATE FINANCE LAWS; REQUIRING THE BOARD OF INVESTMENTS TO PERFORM DUTIES IN A RESTRICTED ENTERPRISE FUND TYPE; ALLOWING THE DEPARTMENT OF REVENUE TO WAIVE INTEREST ON UNDERPAID ESTIMATED TAXES; TEMPORARILY ALLOWING USE OF THE ACCOMMODATIONS TAX FOR HISTORICAL SITES AT REEDER'S ALLEY AND VIRGINIA CITY; PROVIDING FOR TIMELY TRANSFER OF LEGISLATIVE SPACE; PROVIDING AN APPROPRIATION; PROVIDING CONTINGENT APPROPRIATIONS; PROVIDING FOR A STUDY FOR THE OFFICE OF BUDGET AND PROGRAM PLANNING ON EXECUTIVE AGENCY STRUCTURE AND OPERATIONS AND MARKET AND ACTUAL WAGES; REQUESTING THAT THE GOVERNOR CALL A SPECIAL SESSION IF CERTAIN FEDERAL ACTIONS AFFECTING MONTANA'S ECONOMY OCCUR; AMENDING SECTIONS 2-15-1808, 15-30-2512, 15-65-121, AND 17-7-102, MCA; AND PROVIDING AN EFFECTIVE DATE 2847

739 *(House Bill No. 864; D. Bedey)* IMPLEMENTING THE PROVISIONS OF HOUSE BILL NO. 2; EXPANDING USE OF THE SCHOOL FACILITY AND TECHNOLOGY ACCOUNT; REVISING DEFINITIONS; PROVIDING FOR TRANSFERS TO AND FROM THE COMMUNITY COLLEGE FTE ADJUSTMENT ACCOUNT; INCREASING THE RESIDENT NONBENEFICIARY STUDENT PAYMENT FOR TRIBAL COLLEGES; PROVIDING FOR A STUDY BY THE EDUCATION INTERIM BUDGET COMMITTEE OF INTERLIBRARY RESOURCE SHARING PROGRAMS AND THE STRUCTURE AND ORGANIZATION OF THE OFFICE OF PUBLIC INSTRUCTION; AMENDING SECTIONS 20-9-516, 20-15-310, 20-15-328, AND 20-25-428, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE 2860

740 *(House Bill No. 866; M. Romano)* ALLOWING THE TERM EMOTIONAL DISABILITY TO BE USED INSTEAD OF THE TERM EMOTIONAL DISTURBANCE AS IT RELATES TO SPECIAL EDUCATION; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE 2866

741 *(House Bill No. 867; G. Oblander)* REVISING LAWS RELATED TO THE MEDICAL ASSISTANCE PROGRAM; ESTABLISHING A MEDICAL ASSISTANCE PROGRAM FOR LICENSEES UNDER THE BOARD OF CHIROPRACTORS AND THE BOARD OF VETERINARY MEDICINE; ESTABLISHING A FEE TO FUND THE PROGRAM; AND AMENDING SECTIONS 37-1-131, 37-2-202, 37-2-316, AND 37-12-201, MCA 2866

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9 *(J. Fuller)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE MONTANA ARTS COUNCIL MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3314

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16 *(B. Usher)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF CHIEF WATER JUDGE MADE BY THE CHIEF JUSTICE OF THE SUPREME COURT AND SUBMITTED BY WRITTEN COMMUNICATIONS DATED JANUARY 31, 2025, AND MARCH 31, 2025, TO THE SENATE 3318

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20 *(D. Lenz)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF NURSING MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3319

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27 *(D. Lenz)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF NURSING HOME ADMINISTRATORS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3323

28 *(M. Noland)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3324

29 *(B. Usher)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF CRIME CONTROL MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3324

30 *(M. Noland)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF HORSERACING MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3325

31 *(J. Fuller)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF PUBLIC EDUCATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3325

32 *(J. Fuller)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF PUBLIC EDUCATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3326

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36 *(D. Lenz)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF BEHAVIORAL HEALTH MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2026, TO THE SENATE 3328

37 *(M. Noland)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF CLINICAL LABORATORY SCIENCE PRACTITIONERS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3328

38 *(D. Lenz)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF CHIROPRACTORS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3329

39 *(M. Noland)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF PERSONNEL APPEALS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3329

40 *(R. Tempel)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE TRANSPORTATION COMMISSION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3330

41 *(M. Noland)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE STATE ELECTRICAL BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3330

42 *(B. Usher)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THOMAS LEE BRUNER TO THE OFFICE OF WORKERS' COMPENSATION COURT JUDGE MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3331

43 *(W. Galt)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF WATER WELL CONTRACTORS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3331

44 *(M. Noland)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF REALTY REGULATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3332

45 *(B. Gillespie)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF VETERINARY MEDICINE MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3332

46 *(D. Lenz)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3333

47 *(T. Manzella)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE PUBLIC EMPLOYEES' RETIREMENT BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3333

48 *(F. Mandeville)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF REAL ESTATE APPRAISERS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3334

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50 *(D. Lenz)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF PHYSICAL THERAPY EXAMINERS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3335

51 *(D. Loge)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE STATE PARKS AND RECREATION BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3335

52 *(M. Noland)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF PLUMBERS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3336

53 *(J. Fuller)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF PUBLIC EDUCATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3336

54 *(M. Noland)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE MONTANA FACILITY FINANCE AUTHORITY MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3337

55 *(M. Noland)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE MONTANA FACILITY FINANCE AUTHORITY MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3337

56 *(M. Noland)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE MONTANA FACILITY FINANCE AUTHORITY MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3338

57 *(M. Noland)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE MONTANA FACILITY FINANCE AUTHORITY MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3338

58 *(D. Zolnikov)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3339

59 *(D. Zolnikov)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3339

60 *(M. Noland)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF INVESTMENTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 15, 2025, TO THE SENATE 3340

61 *(T. Manzella)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF VETERANS' AFFAIRS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3340

62 *(T. Manzella)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF VETERANS' AFFAIRS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3340

63 *(T. Manzella)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF VETERANS' AFFAIRS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3341

64 *(M. Noland)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF INVESTMENTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 15, 2025, TO THE SENATE 3341

65 *(M. Noland)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF INVESTMENTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 15, 2025, TO THE SENATE 3342

66 *(M. Noland)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF INVESTMENTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 15, 2025, TO THE SENATE 3342

67 *(M. Noland)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF INVESTMENTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 15, 2025, TO THE SENATE 3343

69 *(J. Fuller)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF REGENTS OF HIGHER

EDUCATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3343

70 *(J. Fuller)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF REGENTS OF HIGHER EDUCATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3344

71 *(J. Fuller)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF REGENTS OF HIGHER EDUCATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3344

72 *(T. Manzella)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF VETERANS' AFFAIRS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3345

73 *(T. Manzella)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF VETERANS' AFFAIRS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3345

74 *(T. Manzella)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF VETERANS' AFFAIRS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3345

75 *(M. Noland)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF INVESTMENTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 15, 2025, TO THE SENATE 3346

76 *(B. Usher)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3346

77 *(W. Galt)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 31, 2025, TO THE SENATE 3347

78 *(G. Hertz)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF REVENUE MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 6, 2025, TO THE SENATE 3348

79 *(B. Gillespie)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 31, 2025, TO THE SENATE 3348

80 *(B. Usher)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 6, 2025, TO THE SENATE 3348

81 *(R. Tempel)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 6, 2025, TO THE SENATE 3349

82 *(M. Noland)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE COMMISSIONER OF LABOR AND INDUSTRY MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 25, 2025, TO THE SENATE 3349

83 *(W. McKamey)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF MILITARY AFFAIRS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 25, 2025, TO THE SENATE 3350

84 *(D. Loge)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 25, 2025, TO THE SENATE 3350

85 *(W. Galt)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 25, 2025, TO THE SENATE 3351

86 *(D. Lenz)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF MEDICAL EXAMINERS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 19, 2025, TO THE SENATE 3351

87 *(M. Noland)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF AERONAUTICS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 21, 2025, TO THE SENATE 3352

88 *(B. Gillespie)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF MILK CONTROL MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 21, 2025, TO THE SENATE 3352

89 *(M. Noland)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF FUNERAL SERVICE MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 16, 2025, TO THE SENATE 3353

90 *(B. Gillespie)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF LIVESTOCK MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 20, 2025, TO THE SENATE 3353

91 *(F. Mandeville)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF HOUSING MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 28, 2025, TO THE SENATE 3354

92 *(B. Usher)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE 20TH JUDICIAL DISTRICT COURT MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 19, 2025, TO THE SENATE 3355

93 *(B. Usher)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF CRIME CONTROL MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 18, 2025, TO THE SENATE 3355

94 *(G. Hertz)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE MONTANA TAX APPEAL BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 28, 2025, TO THE SENATE 3356

95 *(D. Zolnikov)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF OIL AND GAS CONSERVATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 19, 2025, TO THE SENATE 3356

96 *(D. Zolnikov)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF OIL AND GAS CONSERVATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 19, 2025, TO THE SENATE 3357

97 *(D. Zolnikov)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF OIL AND GAS CONSERVATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 19, 2025, TO THE SENATE 3357

98 *(D. Zolnikov)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF OIL AND GAS CONSERVATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 19, 2025, TO THE SENATE 3358

99 *(M. Noland)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF HORSERACING MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 27, 2025, TO THE SENATE 3358

100 *(D. Zolnikov)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF OIL AND GAS CONSERVATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 19, 2025, TO THE SENATE 3359

101 *(M. Noland)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF PERSONNEL APPEALS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 28, 2025, TO THE SENATE 3359

102 *(W. Galt)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE COAL BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED FEBRUARY 19, 2025, TO THE SENATE 3359

103 *(B. Gillespie)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE LIVESTOCK LOSS BOARD MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 7, 2025, TO THE SENATE 3360

104 *(D. Lenz)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 28, 2025, TO THE SENATE 3361

105 *(G. Hertz)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 28, 2025, TO THE SENATE 3361

106 *(M. Noland)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENTS TO THE BOARD OF PERSONNEL APPEALS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED APRIL 3, 2025, TO THE SENATE 3362

107 *(D. Lenz)* CONCURRING IN, CONFIRMING, AND CONSENTING TO THE APPOINTMENT TO THE BOARD OF DENTISTRY MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED APRIL 2, 2025, TO THE SENATE 3362

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LAWS

Enacted by the

SIXTY-NINTH LEGISLATURE
IN REGULAR SESSION

Held at Helena, the Seat of Government
January 6, 2025, through April 30, 2025

Explanatory Note:
New parts of existing statutes are printed in italics and deleted provisions are shown as stricken.
(Per Section 5-11-205, MCA)

COMPILED BY MONTANA
LEGISLATIVE SERVICES DIVISION

CHAPTER NO. 1

[SB 59]

AN ACT ESTABLISHING THE STAFF SERGEANT ARTHUR J RAMBO MEMORIAL BRIDGE; AND DIRECTING THE DEPARTMENT OF TRANSPORTATION TO INSTALL SIGNS.

WHEREAS, Staff Sergeant Arthur J Rambo was born December 16, 1944, to Viola and Howard Rambo of Libby, Montana; and

WHEREAS, Arthur grew up on a farm outside Libby. He had a vibrant family life with his sisters, Kathleen and Patty, and brother, Dan, and he was active in the community through baseball, school choir, talent shows, and plays; and

WHEREAS, Arthur studied math at Carroll College and sang in the Carroll College Carrolleers, where he met his wife, Helen Ryan. They graduated in 1966 and married in Dillon, Montana, in 1967. Arthur then earned a degree in chemical engineering from the University of Notre Dame. The couple had a daughter, Kerry Lynn, in 1968; and

WHEREAS, Arthur was drafted and did not seek an exemption that he was eligible for, and he moved his new family to Libby, where his wife became a teacher; and

WHEREAS, after 11 months in the Army, Arthur was promoted to Staff Sergeant; and

WHEREAS, Staff Sergeant Arthur J Rambo arrived in Vietnam in August 1969. On November 26, 1969, his unit came under attack, and Staff Sergeant Arthur J Rambo worked heroically under fire to save his crew members and their military assets. He sustained fatal injuries and was awarded the Silver Star; and

WHEREAS, Arthur was survived by his wife, Helen, his daughter, Kerry Lynn, his newborn daughter, Amy Denise, and his extended family; and

WHEREAS, the Libby community asks that we honor the sacrifice and admirable life of Staff Sergeant Arthur J Rambo.

Be it enacted by the Legislature of the State of Montana:

Section 1. Staff Sergeant Arthur J Rambo memorial bridge. (1) The bridge spanning the Kootenai River in Libby, Montana, on highway 37 is dedicated to Staff Sergeant Arthur J Rambo.

(2) The department shall design and install appropriate signs on each end of the bridge marking the Staff Sergeant Arthur J Rambo memorial.

(3) The department shall design and install a memorial plaque at a location near the bridge.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 60, chapter 1, part 2, and the provisions of Title 60, chapter 1, part 2, apply to [section 1].

Approved January 16, 2025

CHAPTER NO. 2

[HB 1]

AN ACT APPROPRIATING MONEY FOR THE OPERATION OF THE CURRENT AND SUBSEQUENT LEGISLATURE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Appropriations. (1) The following amounts are appropriated from the state general fund for fiscal years 2025, 2026, and 2027 for the operation of the 69th legislature and the costs of preparing for the 70th legislature:

LEGISLATIVE BRANCH (1104)	
Senate	$5,806,249
House of Representatives	$9,616,828
Legislative Services Division	$2,379,018

(2) The following amounts are appropriated from the state general fund for fiscal year 2027 for the initial costs of the 70th legislature:

LEGISLATIVE BRANCH (1104)	
Senate	$475,009
House of Representatives	$839,512
Legislative Services Division	$16,500

Section 2. Effective date. [This act] is effective on passage and approval.

Approved January 28, 2025

CHAPTER NO. 3

[HB 83]

AN ACT CREATING THE MISSING INDIGENOUS PERSONS TASK FORCE STATE SPECIAL REVENUE ACCOUNT; PROVIDING THAT THE FUNDS IN THE ACCOUNT ARE SUBJECT TO THE LEGISLATIVE AUDIT ACT; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Missing indigenous persons task force account -- audit. (1) There is a missing indigenous persons task force account in the state special revenue fund established in 17-2-102. The account is administered by the department of justice.

(2) Money transferred from any lawful source, including but not limited to gifts, grants, donations, securities, and other assets, public or private, may be deposited in the account.

(3) Money deposited in the account must be used pursuant to 44-2-411 and is subject to audits as required by Title 5, chapter 13, part 3.

(4) Funds deposited in the account each year must be used by the department only for allowable costs as determined by the department and approved by the missing indigenous persons task force.

(5) Interest and income earned on the account and any unspent or unencumbered money in the account at the end of a fiscal year must remain in the account.

Section 2. Appropriation. There is appropriated $1 from the missing indigenous persons task force account established in [section 1] to the department of justice for the biennium beginning July 1, 2025, for the purposes described in 44-2-411.

Section 3. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 4. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 44, chapter 2, part 4, and the provisions of Title 44, chapter 2, part 4, apply to [section 1].

Section 5. Effective date. [This act] is effective July 1, 2025.

Section 6. Termination. [This act] terminates June 30, 2033.

Approved February 27, 2025

CHAPTER NO. 4

[HB 17]

AN ACT REVISING THE TERMS FOR MEMBERS OF THE FOREST LANDS TAXATION ADVISORY COMMITTEE; AMENDING SECTION 15-44-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-44-103, MCA, is amended to read:

"**15-44-103. Legislative intent -- value of forest lands -- valuation zones.** (1) In order to encourage landowners of private forest lands to retain and improve their holdings of forest lands, to promote better forest practices, and to encourage the investment of capital in reforestation, forest lands must be classified and assessed under the provisions of this section.

(2) The forest productivity value of forest land must be determined by:

(a) capitalizing the value of the mean annual net wood production at the culmination of mean annual increment plus other agriculture-related income, if any; less

(b) annualized expenses, including but not limited to the establishment, protection, maintenance, improvement, and management of the crop over the rotation period.

(3) To determine the forest productivity value of forest lands, the department shall:

(a) divide the state into appropriate forest valuation zones, with each zone designated so as to recognize the uniqueness of marketing areas, timber types, growth rates, access, operability, and other pertinent factors of that zone; and

(b) establish a uniform system of forest land classification that takes into consideration the productive capacity of the site to grow forest products and furnish other associated agricultural uses.

(4) In computing the forest land productivity valuation for each forest valuation zone, the department shall determine the productive capacity value of all forest lands in each forest valuation zone using the formula V = I/R, where:

(a) V is the per-acre forest productivity value of the forest land;

(b) I is the per-acre net income of forest lands in each valuation zone and is determined by the department using the formula I = (M x SV) + AI - C, where:

(i) I is the per-acre net income;

(ii) M is the mean annual net wood production;

(iii) SV is the stumpage value;

(iv) AI is the per-acre agriculture-related income; and

(v) C is the per-unit cost of the forest product and agricultural product produced, if any; and

(c) R is the capitalization rate determined by the department as provided in subsection (6).

(5) Net income must:

(a) be calculated for each year of a base period, which is the most recent 10-year period for which data is available prior to the date the revaluation cycle ends. Data referred to in subsection (4)(b) must be averaged.

(b) be based on the average stumpage value of timber harvested within the forest valuation zone, excluding the lowest and highest annual stumpage value in the period, and on the associated production cost data for the base period from sources considered appropriate by the department; and

(c) include agriculture-related net income for the same time period as the period used to determine average stumpage values.

(6) The capitalization rate must be calculated for each year of the base period and is the average capitalization rate determined by the department after consultation with the forest lands taxation advisory committee, plus the effective tax rate. The capitalization rate must be adopted by rule. However, the capitalization rate for each year of the base period may not be less than 8%.

(7) The effective tax rate must be calculated for each year of the base period by dividing the total estimated tax due on forest lands subject to the provisions of this section by the total forest value of those lands.

(8) For the purposes of this section, if forest service sales are used in the determination of stumpage values, the department shall take into account purchaser road credits.

(9) (a) There is a forest lands taxation advisory committee consisting of:

(i) four members with expertise in forest matters, one appointed by the majority leader of the senate, one by the minority leader of the senate, one by the majority leader of the house of representatives, and one by the minority leader of the house of representatives; and

(ii) five members appointed by the governor, two who are industrial forest landowners, two who are nonindustrial forest landowners, and one who is a county commissioner.

~~(b) The committee must be appointed and convened no later than July 1 of the year that is 2 years prior to the first year of each reappraisal cycle. The terms of the members expire on June 30 of the first year of each reappraisal cycle.~~

(b) (i) Except as otherwise provided in this subsection (9)(b), each member must be appointed to a 4-year term.

(ii) Legislative leaders shall appoint members by July 1 of the year of a regular legislative session. The initial terms must be for 2 years. If a leader appoints a member of the legislature and the legislator leaves the chamber in which the legislator served at the time of the appointment prior to the completion of the term, the leader that appointed the legislator shall appoint a successor.

(iii) The governor shall appoint members by July 1 of each year. The initial membership must consist of one member appointed for 1 year, one member appointed for 2 years, one member appointed for 3 years, and two members appointed for 4 years.

(c) The advisory committee shall:

(i) review data required by subsections (2) through (6)and (8), including data on productivity value, stumpage value, wood production, capitalization rate, net income, and agriculture-related income;

(ii) recommend to the department any adjustments to data if required by changes in government forest land programs, market conditions, or prevailing forest lands practices;

(iii) recommend appropriate base periods and averaging methods to the department;

(iv) verify for each forest valuation zone and forest land classification and subclassification under subsection (3) that the income determined in subsection (5) reasonably approximates that which the average Montana forest landowner could have attained;

(v) recommend forest land valuation techniques to the department;

(vi) meet in Montana at least once a year; and

(vii) report biennially on committee activity, in accordance with 5-11-210, to the revenue interim committee provided for in 5-5-227."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved February 27, 2025

CHAPTER NO. 5

[HB 19]

AN ACT REVISING TAX INCREMENT FINANCING LAWS TO REQUIRE A PUBLIC HEARING BEFORE PLEDGING TAX INCREMENT TO THE PAYMENT OF BONDS THAT WILL EXTEND THE TERMINATION OF A DISTRICT THAT USES TAX INCREMENT FINANCING; AMENDING SECTION 7-15-4289, MCA; AND PROVIDING AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 7-15-4289, MCA, is amended to read:

"**7-15-4289. Use of tax increments for bond payments -- *public hearing requirement.*** *(1)* The tax increment may be pledged to the payment of the principal of premiums, if any, and interest on bonds that the local government may issue for the purpose of providing funds to pay those costs.

(2) Prior to pledging tax increment to the payment of bonds that will extend the termination of the tax increment financing provision beyond the 15th year as provided in 7-15-4292, the legislative body of the local government that approved adoption of the tax increment provision shall hold a public hearing on whether fulfillment of the urban renewal plan or targeted economic development district comprehensive development plan requires pledging tax increment to the payment of bonds. The local government shall provide notice of the public hearing to the county and school district in which the urban renewal area or targeted economic development district is located."

Section 2. Applicability. [This act] applies to a pledge of tax increment to the payment of bonds on or after [the effective date of this act].

Approved February 27, 2025

CHAPTER NO. 6

[HB 32]

AN ACT REVISING THE CIRCUMSTANCES IN WHICH A GOVERNMENT ENTITY MAY MAKE AN AUDIO OR VIDEO RECORDING OF A CHILD WITHOUT OBTAINING PARENTAL CONSENT; ESTABLISHING THAT A GOVERNMENT ENTITY MAY MAKE AN AUDIO OR VIDEO RECORDING AS PART OF AN EVENT OPEN TO THE PUBLIC; AND AMENDING SECTION 40-6-701, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 40-6-701, MCA, is amended to read:

"**40-6-701. Interference with fundamental parental rights restricted -- cause of action.** (1) A government entity may not interfere with the fundamental right of parents to direct the upbringing, education, health care, and mental health of their children unless the government entity demonstrates that the interference:

(a) furthers a compelling governmental interest; and

(b) is narrowly tailored and is the least restrictive means available for the furthering of the compelling governmental interest.

(2) All fundamental parental rights are exclusively reserved to the parent of a child without obstruction or interference by a government entity, including but not limited to the rights and responsibilities to do the following:

(a) direct the education of the child, including the right to choose public, private, religious, or home schools and the right to make reasonable choices with public schools for the education of the child;

(b) access and review all written and electronic education records relating to the child that are controlled by or in the possession of a school;

(c) direct the upbringing of the child;

(d) direct the moral or religious training of the child;

(e) make and consent to all physical and mental health care decisions for the child;

(f) access and review all health and medical records of the child;

(g) consent before a biometric scan of the child is made, shared, or stored;

(h) consent before a record of the child's blood or DNA is created, stored, or shared, unless authorized pursuant to a court order;

(i) consent before a government entity makes an audio or video recording of the child, unless the audio or video recording is made during or as part of:

(i) a court proceeding;

(ii) a law enforcement investigation;

(iii) a forensic interview in a criminal or child abuse and neglect investigation;

(iv) the security or surveillance of buildings, grounds, or transportation of students; ~~or~~

(v) a photo identification card; *or*

(vi) an event open to the public, including but not limited to a public performance, an athletic competition, and any preparation, dress rehearsal, or practice for an event open to the public;

(j) be notified promptly if an employee of a government entity suspects that abuse, neglect, or a criminal offense has been committed against the child unless the parent is suspected to have caused the abuse;

(k) opt the child out of any personal analysis, evaluation, survey, or data collection by a school district that would capture data for inclusion in the statewide data system except data that is necessary and essential for establishing a student's education record;

(l) have the child excused from school attendance for religious purposes;

(m) participate in parent-teacher associations and school organizations that are sanctioned by the board of trustees of a school district; and

(n) be notified promptly if, and provide consent before, the child would share a room or sleeping quarters with an individual of the opposite sex on a school-sponsored trip. A child whose parent does not provide consent must be permitted to attend the trip and must be provided with reasonable accommodations that do not require the child to share a room or sleeping quarters with an individual of the opposite sex.

(3) Except for law enforcement, an employee of a government entity may not encourage or coerce a child to withhold information from the child's parent and may not withhold from a child's parent information that is relevant to the physical, emotional, or mental health of a child.

(4) This section may not be construed as invalidating the provisions of Title 41, chapter 3, or modifying the burden of proof at any stage of the proceedings under Title 41, chapter 3.

(5) When a parent's fundamental rights protected by 40-6-702, 40-6-707, 41-1-402, 41-1-403, 41-1-405, and this section are violated, a parent may assert that violation as a claim or defense in an administrative or judicial proceeding and may obtain appropriate relief without regard to whether the proceeding is brought by or in the name of a government entity, a private person, or any other party. The prevailing party in an action filed pursuant to 40-6-702, 40-6-707, 41-1-402, 41-1-403, 41-1-405, and this section is entitled to reasonable attorney fees and costs.

(6) As used in this section, the following definitions apply:

(a) "Child" means an individual under 18 years of age.

(b) "Education record" means attendance records, test scores of school-administered tests and statewide assessments, grades, school-sponsored or extracurricular activity or club participation, email accounts, online or virtual accounts or data, disciplinary records, counseling records, psychological records, applications for admission, health and immunization information including any medical records maintained by a health clinic or medical facility operated or controlled by the school district or located on the district property, teacher and counselor evaluations, and reports of behavioral patterns.

(c) "Government entity" means the state, its political subdivisions, or any department, agency, commission, board, authority, institution, or office of the state, including a municipality, county, consolidated municipal-county government, school district, or other special district.

(d) "Parent" means a biological parent of a child, an adoptive parent of a child, or an individual who has been granted the exclusive right and authority over the welfare of a child under state law.

(e) "Substantial burden" means an action that directly or indirectly constrains, inhibits, curtails, or denies the right of a parent to direct the upbringing, education, health care, and mental health of the parent's child. The term includes but is not limited to:

(i) withholding benefits;

(ii) assessing criminal, civil, or administrative penalties; or

(iii) exclusion from a government program."

Approved February 27, 2025

CHAPTER NO. 7

[HB 41]

AN ACT REVISING THE LIST OF SPECIFIC DANGEROUS DRUGS INCLUDED IN SCHEDULE V; ADDING GABAPENTIN TO THE DRUGS LISTED IN SCHEDULE V CONTROLLED SUBSTANCES; AND AMENDING SECTION 50-32-232, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 50-32-232, MCA, is amended to read:

"**50-32-232. Specific dangerous drugs included in Schedule V.** Schedule V consists of the drugs and other substances, by whatever official, common, usual, chemical, or brand name designated, listed in this section.

(1) Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following is a narcotic drug, including its salts, calculated as the free anhydrous base or alkaloid in limited quantities as set forth in subsections (1)(a) through (1)(f), which include one or more nonnarcotic, active medicinal ingredients in sufficient proportion

to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone:

(a) not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;

(b) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;

(c) not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;

(d) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(e) not more than 100 milligrams of opium per 100 milliliters or per 100 grams; and

(f) not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

(2) Stimulants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of pyrovalerone is a stimulant having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers.

(3) Depressants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances is a depressant having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(a) lacosamide, also known as (R)-2-acetoamido-N-benzyl-3-methoxy-propionamide or vimpat; ~~and~~

(b) pregabalin, also known as (S)-3-(aminomethyl)-5-methylhexanoic acid or lyrica*; and*

(c) gabapentin, also known as 1-(aminomethyl)cyclohexaneacetic acid.

(4) Anticonvulsant substances include the following:

(a) ezogabine;

(b) brivaracetam;

(c) cenobamate; and

(d) ganaxalone.

(5) Antimigraine substances including lasmiditan."

Approved February 27, 2025

CHAPTER NO. 8

[HB 60]

AN ACT GENERALLY REVISING LAWS REGULATED BY THE COMMISSIONER OF SECURITIES AND INSURANCE, MONTANA STATE AUDITOR; REVISING DEFINITIONS; CLARIFYING LAWS RELATING TO STATE SCHOOL HEALTH TRUSTS THAT ARE APPROVED BY THE COMMISSIONER; REVISING LAWS RELATING TO REPLACEMENT VALUE AND BOOK VALUE; REMOVING A FEE PAID BY SECURITIES ISSUERS TO THE COMMISSIONER; REVISING SECURITIES LAWS RELATED TO STOCK EXCHANGES; REVISING SECURITIES REGISTRATION REQUIREMENTS; REVISING LAWS RELATING TO SECURITIES ACTIONS TO ALLOW AN ACTION TO BE FILED WITHIN 1 YEAR AFTER DISCOVERY; REVISING SECURITIES RESTITUTION FUND ELIGIBILITY; REVISING REGULATORY FILING LAWS; REVISING LAWS RELATING TO DOMESTIC SURPLUS LINES INSURERS; REVISING LAWS RELATING TO INTEREST

OF NAMED INSURANCE LAWS AND TRANSFER; REVISING INSURANCE PRODUCER EXCHANGE TRAINING LAWS; REVISING LAWS RELATING TO INSURANCE INFORMATION AND PRIVACY PROTECTION; REVISING LAWS RELATING TO MEDICALLY NECESSARY AND CLINICALLY APPROPRIATE EXAMINATIONS; REVISING LAWS RELATING TO TELEHEALTH; REVISING LAWS RELATING TO RECIPROCAL LIMITATIONS; REVISING LAWS RELATING TO GRACE PERIODS AND NOTICE OF CLAIMS; REVISING LAWS RELATING TO DISCLOSURES BY AN INSURER; REVISING LAWS RELATING TO PAYMENT OF INTEREST BY A HEALTH INSURANCE ISSUER; REVISING LAWS APPLICABLE TO MULTIPLE EMPLOYER WELFARE ARRANGEMENTS; EXTENDING THE TERMINATION DATE OF THE PROHIBITION AGAINST A PHARMACY BENEFIT MANAGER OR HEALTH CARRIER REQUIRING FEDERALLY CERTIFIED HEALTH ENTITIES TO IDENTIFY 340B DRUGS; AMENDING SECTION 26, CHAPTER 501, LAWS OF 2021, AND SECTION 1, CHAPTER 259, LAWS OF 2023; AMENDING SECTIONS 2-18-101, 20-3-369, 27-1-306, 30-10-104, 30-10-201, 30-10-307, 30-10-1005, 33-1-501, 33-2-301, 33-2-306, 33-3-201, 33-17-237, 33-17-243, 33-17-1402, 33-19-105, 33-20-1302, 33-22-132, 33-22-138, 33-22-150, 33-22-206, 33-22-208, 33-22-244, 33-22-521, 33-22-906, 33-22-907, 33-22-921, 33-22-922, 33-22-923, 33-22-924, 33-32-211, AND 33-35-306, MCA; AND PROVIDING EFFECTIVE DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-18-101, MCA, is amended to read:

"**2-18-101. Definitions.** As used in parts 1 through 3 and part 10 of this chapter, the following definitions apply:

(1) "Agency" means a department, board, commission, office, bureau, institution, or unit of state government recognized in the state budget.

(2) "Base salary" means the base hourly pay rate annualized paid to an employee, excluding overtime and longevity.

(3) "Benchmark" means a representative position in a specific occupation that is used to illustrate the application of the job evaluation factor used to classify the occupation.

(4) "Blue-collar pay plan" means a strictly negotiated classification and pay plan consisting of unskilled or skilled labor, trades, and crafts occupations.

(5) "Board" means the board of personnel appeals established in 2-15-1705.

(6) "Broadband classification plan" means a job evaluation method that measures the difficulty of the work and the knowledge or skills required to perform the work.

(7) "Broadband pay plan" means a pay plan using a pay hierarchy of broad pay bands based on a classification plan, including market midpoint and occupational wage ranges.

(8) "Compensation" means the annual or hourly wage or salary and includes the longevity allowance provided in 2-18-304 and leave and holiday benefits provided in part 6 of this chapter.

(9) "Competencies" means sets of measurable and observable knowledge, skills, and behaviors that contribute to success in a position.

(10) "Department" means the department of administration created in 2-15-1001.

(11) (a) Except in 2-18-306, "employee" means any state employee other than an employee excepted under 2-18-103 or 2-18-104.

(b) The term does not include a student intern.

(12) "Job evaluation factor" means a measure of the complexities of the predominant duties of a position.

(13) "Job sharing" means the sharing by two or more persons of a position.

(14) "Market midpoint" means the median base salary that other employers pay to employees in comparable occupations as determined by the department's salary survey of the relevant labor market.

(15) "Occupation" means a generalized family of positions having substantially similar duties and requiring similar qualifications, education, and experience.

(16) "Occupational wage range" means a range of pay, including a minimum, market midpoint, and maximum salary, for a specific occupation that is most consistent with the pay being offered by competing employers for fully competent employees within that occupation. The salary for an employee may be less than the minimum salary.

(17) "Pay band" means a wide salary range covering a number of different occupations. Pay bands are used for reporting and analysis purposes only.

(18) "Pay progression" means a process by which an employee's compensation may be increased, based on documented factors determined by the department, to bring the employee's compensation to a higher rate within the occupational wage range of the employee.

(19) "Permanent employee" means an employee who is designated by an agency as permanent, who was hired through a competitive selection process unless excepted from the competitive process by law, and who has attained or is eligible to attain permanent status.

(20) "Permanent status" means the state an employee attains after satisfactorily completing an appropriate probationary period.

(21) "Personal staff" means those positions occupied by employees appointed by the elected officials enumerated in Article VI, section 1, of the Montana constitution or by the public service commission as a whole, by each director appointed by the governor as provided in 2-15-111(1), or by each division administrator, or equivalent, appointed by the elected officials enumerated in Article VI, section 1, of the Montana constitution.

(22) "Position" means a collection of duties and responsibilities currently assigned or delegated by competent authority, requiring the full-time, part-time, or intermittent employment of one person.

(23) "Program" means a combination of planned efforts to provide a service.

(24) "Seasonal employee" means a permanent employee who is designated by an agency as seasonal, who performs duties interrupted by the seasons, and who may be recalled without the loss of rights or benefits accrued during the preceding season.

(25) "Short-term worker" means a person who:

(a) may be hired by an agency without using a competitive hiring process for an hourly wage established by the agency;

(b) may not work for the agency for more than 90 days in a continuous 12-month period;

(c) is not eligible for permanent status;

(d) may not be hired into a permanent position by the agency without a competitive selection process;

(e) is not eligible to earn the leave and holiday benefits provided in part 6 of this chapter; and

(f) may be discharged without cause.

(26) "Student intern" means a person who:

(a) has been accepted in or is currently enrolled in an accredited school, college, or university and may be hired by an agency in a student intern position without using a competitive selection process;

(b) is not eligible for permanent status;

(c) is not eligible to become a permanent employee without a competitive selection process;

(d) must be covered by the hiring agency's workers' compensation insurance;

(e) is not eligible to earn the leave and holiday benefits provided for in part 6 of this chapter; and

(f) may be discharged without cause.

(27) (a) "Telework" means a flexible work arrangement in which a designated employee may work from:

(i) home within the state of Montana or an alternative worksite within the state of Montana 1 or more days a week instead of physically traveling to a central workplace; or

(ii) an alternative worksite outside the state of Montana limited to:

(A) employees who are mental health professionals as defined in 27-1-1101 involved in psychological or psychiatric evaluations and treatment;

(B) employees engaged in providing services related to information technology resources as defined in 2-17-506;

(C) employees who are medical professionals involved in medical evaluations and treatment; ~~or~~

(D) employees who are engaged in providing services related to economic development outside the state and whose work duties require the employees to reside out of state*; or*

(E) employees who are associates or fellows of the casualty actuarial society or society of actuaries.

(b) The office of budget and program planning must approve a designated employee's alternative worksite outside the state of Montana before the employee begins work.

(28) "Temporary employee" means an employee who:

(a) is designated as temporary by an agency for a definite period of time not to exceed 12 months;

(b) performs duties on a temporary basis;

(c) is not eligible for permanent status;

(d) is terminated at the end of the employment period; and

(e) is not eligible to become a permanent employee without a competitive selection process."

Section 2. Section 20-3-369, MCA, is amended to read:

"**20-3-369. State school health trust operating reserve account -- distribution and uses.** (1) There is a state school health trust operating reserve account in the state special revenue fund provided for in 17-2-102. The purpose of the account is to provide a one-time-only distribution of incentive funding to the first self-funded district health insurance trust that is qualified by the state auditor pursuant to 20-3-366.

(2) The state school health trust operating reserve account is statutorily appropriated, as provided in 17-7-502, to the office of public instruction for distribution as provided in this section.

(3) If a trust has been qualified by the state auditor on or before June 30, 2026, for initial operation beginning July 1, 2026, the superintendent shall, on July 1, 2026, *or on qualification by the state auditor,* distribute $40 million to the district health insurance trust. The qualifying district health insurance trust shall use the funds to stabilize health insurance costs through capitalization of an operating reserve for the district members of the trust.

(4) If a trust has not been qualified by June 30, 2026, the account balance must be transferred to the capital developments long-range building program account for uses consistent with 17-7-209."

Section 3. Section 27-1-306, MCA, is amended to read:

"**27-1-306. When replacement value to be allowed.** The measure of damages in a case in which the cost of repairing a motor vehicle exceeds its value is the actual replacement value of the motor vehicle rather than its "book" value unless, after the damages arise, the parties agree to use the "book" value. "Book" value must be determined by referring to the most recent ~~volume of the Mountain States Edition of the National Automobile Dealers Association (N.A.D.A.) Official Used Car Guide or the National Edition of N.A.D.A. Appraisal Guides Official Older Used Car Guide~~ *used car value and pricing information published by an organization nationally recognized for providing information related to used car value and pricing*. Actual replacement value is the actual cash value of the motor vehicle immediately prior to the damage. "Book" value may be used to assist in determining the actual replacement value of the motor vehicle."

Section 4. Section 30-10-104, MCA, is amended to read:

"**30-10-104. Exempt securities.** Sections 30-10-202 through 30-10-207 and 30-10-211 do not apply to any of the following securities:

(1) any security, including a revenue obligation, issued or guaranteed by the United States, any state, any political subdivision of a state, or any agency or corporate or other instrumentality of one or more of those entities. However, 30-10-202 through 30-10-207 and 30-10-211 apply to a security issued by any of those entities that is payable solely from payments to be received in respect to property or money used under a lease, sale, or loan arrangement by or for a nongovernmental industrial or commercial enterprise unless the enterprise or any security of which it is the issuer is within any of the exemptions listed in subsections (2) through (15).

(2) any security issued or guaranteed by Canada, a Canadian province, a political subdivision of a province, or an agency or corporate or other instrumentality of one or more of those entities or any other foreign government with which the United States currently maintains diplomatic relations if the security is recognized as a valid obligation by the issuer or guarantor;

(3) any security issued by and representing an interest in or a debt of or guaranteed by a bank organized under the laws of the United States or a bank, savings institution, or trust company organized and supervised under the laws of any state;

(4) any security issued by and representing an interest in, or a debt of, or guaranteed by a federal savings and loan association or a building and loan or similar association organized under the laws of any state and authorized to do business in this state;

(5) any security issued or guaranteed by a federal credit union or a credit union, industrial loan association, or similar association organized and supervised under the laws of this state;

(6) any security issued or guaranteed by a railroad, other common carrier, public utility, or holding company that is:

(a) subject to the jurisdiction of the federal surface transportation board;

(b) a registered holding company under the Energy Policy Act of 2005 or a subsidiary of a registered holding company within the meaning of that act;

(c) regulated in respect of its rates and charges by a governmental authority of the United States or any state or municipality; or

(d) regulated in respect to the issuance or guarantee of the security by a governmental authority of the United States, any state, Canada, or any Canadian province. A security referred to under this subsection (6)(d) includes equipment trust certificates in respect to equipment conditionally sold or

leased to a railroad or public utility if other securities issued by the railroad or public utility would be exempt under this subsection (6)(d).

(7) any security that meets all of the following conditions:

(a) if the issuer is not organized under the laws of the United States or a state, it has appointed an authorized agent in the United States for service of process and has set forth the name and address of the agent in its prospectus;

(b) a class of the issuer's securities is required to be and is registered under section 12 of the Securities Exchange Act of 1934 and has been registered for the 3 years immediately preceding the offering date;

(c) the issuer or a significant subsidiary has not had a material default during the last 7 years, or during the issuer's existence if that period is less than 7 years, in the payment of:

(i) principal, interest, dividend, or sinking fund installment on preferred stock or indebtedness for borrowed money; or

(ii) rentals under leases with terms of 3 years or more;

(d) the issuer has had consolidated net income, before extraordinary items and the cumulative effect of accounting changes, of at least $1 million in 4 of its last 5 fiscal years, including its last fiscal year, and if the offering is of interest-bearing securities, has had for its last fiscal year consolidated net income, before deduction for income taxes and depreciation, of at least 1 1/2 times the issuer's annual interest expense, giving effect to the proposed offering and the intended use of the proceeds. "Last fiscal year", as used in this subsection (7)(d), means the most recent year for which audited financial statements are available provided that the statements cover a fiscal period that ended not more than 15 months from the commencement of the offering.

(e) if the offering is of stock or shares, other than preferred stock or shares, the securities have voting rights and rights including the right to have at least as many votes per share and the right to vote on at least as many general corporate decisions as each of the issuer's outstanding classes of stock or shares except as otherwise required by law;

(f) if the offering is of stock or shares, other than preferred stock or shares, the securities are owned beneficially or of record on any date within 6 months prior to the commencement of the offering by at least 1,200 persons and on that date there are at least 750,000 of the shares outstanding with an aggregate market value, based on the average bid price for that day, of at least $3,750,000. In connection with the determination of the number of persons who are beneficial owners of the stock or shares of an issuer, the issuer or broker-dealer may rely in good faith for the purposes of this section upon written information furnished by the record owners.

(8) any security issued by a person organized and operated not for private profit but exclusively for religious, educational, benevolent, charitable, fraternal, social, athletic, or reformatory purposes ~~if the issuer pays a fee of $50 and files with the commissioner 20 days prior to the offering a written notice specifying the terms of the offer and the commissioner does not disallow the exemption in writing within the 20-day period~~;

(9) any commercial paper that arises out of a current transaction or the proceeds of which have been or are to be used for the current transaction and that evidences an obligation to pay cash within 9 months of the date of issuance, exclusive of days of grace, or any renewal of the paper that is likewise limited or any guarantee of the paper or of any renewal when the commercial paper is sold to banks or insurance companies;

(10) any investment contract issued in connection with an employee's stock purchase, savings, pension, profit-sharing, or similar benefit plan;

(11) any security for which the commissioner determines by order that an exemption would better serve the purposes of 30-10-102 than would registration. The fee for this exemption must be as prescribed in 30-10-209(4).

(12) any security listed or approved for listing ~~upon notice of issuance on the New York stock exchange, the American stock exchange, the Pacific stock exchange, the Midwest stock exchange, the Chicago board of options exchange, the Philadelphia stock exchange, the Boston stock exchange, or any other~~ *on a* stock exchange registered with the federal securities and exchange commission ~~and approved by the commissioner~~, any other security of the same issuer that is of senior or substantially equal rank, any security called for by subscription rights or warrants listed or approved for listing as provided in this subsection, or any warrant or right to purchase or subscribe to any of the securities listed in this subsection. The commissioner may by rule or order limit, restrict, or otherwise condition the terms under which any security may be exempt under this subsection.

(13) any national market system security listed or approved for listing upon notice of issuance on the national association of securities dealers automated quotation system or any other national quotation system approved by the commissioner, any other security of the same issuer that is of senior or substantially equal rank, any security called for by subscription rights or warrants listed or approved for listing as provided in this subsection, or any warrant or right to purchase or subscribe to any of the securities listed in this subsection. The commissioner may by rule or order limit, restrict, or otherwise condition the terms under which any security may be exempt under this subsection.

(14) any security issued by and representing an interest in, or a debt of, or any security guaranteed by any insurer organized and authorized to transact business under the laws of any state;

(15) any security for which an offer or sale is not directed to or received by a person in this state when the issuer does not maintain a place of business in the state."

Section 5. Section 30-10-201, MCA, is amended to read:

"**30-10-201. Registration and notice filing requirements of broker-dealers, salespersons, investment advisers, and investment adviser representatives.** (1) It is unlawful for a person to transact business in this state as a broker-dealer or salesperson, except as provided in 30-10-105, unless the person is registered under parts 1 through 3 of this chapter.

(2) It is unlawful for a broker-dealer or issuer to employ a salesperson to represent the broker-dealer or issuer in this state, except in transactions exempt under 30-10-105, unless the salesperson is registered under parts 1 through 3 of this chapter.

(3) It is unlawful for a person to transact business in this state as an investment adviser or as an investment adviser representative unless:

(a) the person is registered under parts 1 through 3 of this chapter;

(b) the person does not have a place of business in the state and the person's only clients in this state are:

(i) investment companies, as defined in the Investment Company Act of 1940, or insurance companies;

(ii) other investment advisers;

(iii) federal covered advisers;

(iv) broker-dealers;

(v) banks;

(vi) trust companies;

(vii) savings and loan associations;

(viii) employee benefit plans with assets of not less than $1 million;

(ix) governmental agencies or instrumentalities, whether acting for themselves or as trustees with investment control; or

(x) other institutional investors as designated by rule or order of the commissioner; or

(c) the person does not have a place of business in this state and, during the preceding 12-month period, the person has not had more than five clients who are residents of this state, other than those clients specified in subsection (3)(b). This subsection (3)(c) also applies to broker-dealers and investment advisers.

(4) Except for federal covered advisers whose only clients are clients listed in subsection (3)(b) or who meet the requirements of subsection (3)(c), it is unlawful for a federal covered adviser to conduct advisory business in this state unless the federal covered adviser complies with the provisions of subsection (6)(b).

(5) (a) It is unlawful for a person required to be registered as an investment adviser under Title 30, chapter 10, parts 1 through 3, to employ an investment adviser representative unless the investment adviser representative is registered or exempt from registration under Title 30, chapter 10, parts 1 through 3.

(b) It is unlawful for a federal covered adviser to employ, supervise, or associate with an investment adviser representative who maintains a place of business in this state unless the investment adviser representative is registered or exempt from registration under Title 30, chapter 10, parts 1 through 3.

(6) (a) A broker-dealer or a salesperson, acting as an agent for an issuer or as an agent for a broker-dealer in the offer or sale of securities for an issuer, or an investment adviser or investment adviser representative may apply for registration by filing an application in the form that the commissioner prescribes and payment of the fee prescribed in 30-10-209.

(b) Except for a federal covered adviser whose only clients are those listed in subsection (3)(b) or who meet the requirements of subsection (3)(c), a federal covered adviser shall, prior to acting as a federal covered adviser in this state, submit a notice filing to the commissioner consisting of the fee prescribed in 30-10-209 and copies of any documents filed with the securities and exchange commission that the commissioner requires by rule or order. A notice filing is effective upon its receipt by the commissioner.

(7) The application must contain whatever information the commissioner requires. A registration application of a broker-dealer, salesperson, investment adviser, or investment adviser representative may not be withdrawn before the commissioner approves or denies the registration, without the express written consent of the commissioner.

(8) When the registration requirements are met, the commissioner shall make the registration effective. An effective registration of a broker-dealer, salesperson, investment adviser, or investment adviser representative may not be withdrawn or terminated without the express written consent of the commissioner.

(9) Registration of a broker-dealer, salesperson, investment adviser, or investment adviser representative or a notice filing by a federal covered adviser:

(a) is effective until December 31 following the registration or notice filing or any other time as the commissioner may by rule adopt; and

(b) may be renewed pursuant to subsection (11).

(10) (a) The registration of a salesperson is not effective during any period when the salesperson is not associated with an issuer or a registered

broker-dealer specified in the application. When a salesperson begins or terminates a connection with an issuer or registered broker-dealer, the salesperson and the issuer or broker-dealer shall promptly notify the commissioner.

(b) The registration of an investment adviser representative is not effective during any period when the person is not associated with either an investment adviser registered under this act or a federal covered adviser with an effective notice filing who is specified in the application. When an investment adviser representative begins or terminates a connection with an investment adviser, the investment adviser shall promptly notify the commissioner. When an investment adviser representative begins or terminates a connection with a federal covered adviser, the investment adviser representative shall promptly notify the commissioner.

(11) Registration of a broker-dealer, salesperson, investment adviser, or investment adviser representative or notice filing for a federal covered adviser may be renewed by filing, prior to the expiration of the registration or notice filing, an application containing information as the commissioner may require to indicate any material change in the information contained in the original application or any renewal application for registration or notice filing, and payment of the fee prescribed by 30-10-209. A broker-dealer who is not a member of the national association of securities dealers, inc., is required to file a financial statement of the broker-dealer within 90 days of the end of the broker-dealer's fiscal year, except as provided in section 15 of the Securities Exchange Act of 1934. A registered broker-dealer or investment adviser may file an application for registration of a successor, to become effective upon approval of the commissioner.

(12) (a) Except as provided in section 15 of the Securities Exchange Act of 1934 in the case of a broker-dealer and section 222 of the Investment Advisers Act of 1940 in the case of an investment adviser, every registered broker-dealer and investment adviser shall make and keep accounts and other records, except with respect to securities exempt under 30-10-104(1), as may be prescribed by the commissioner by rule or order. All required records of an investment adviser must be preserved for the period the commissioner prescribes by rule or order. All the records of a registered broker-dealer or investment adviser are subject at any time or from time to time to reasonable periodic, special, or other examinations, within or outside this state, by representatives of the commissioner, as the commissioner considers necessary or appropriate in the public interest or for the protection of investors.

(b) The commissioner may require investment advisers who are registered or required to be registered to furnish or disseminate certain information as necessary or appropriate in the public interest or for the protection of investors and advisory clients.

(c) If information contained in any document filed with the commissioner is, or becomes, inaccurate or incomplete in any material respect, the registrant or federal covered adviser shall promptly file a correcting amendment.

(13) The commissioner may by order deny, suspend, or revoke registration of any broker-dealer, salesperson, investment adviser, or investment adviser representative if the commissioner finds that the order is in the public interest and that the applicant or registrant or, in the case of a broker-dealer or investment adviser, any partner, officer, director, person occupying a similar status or performing similar functions, or person directly or indirectly controlling the broker-dealer or investment adviser:

(a) has filed an application for registration under this section that, as of its effective date or as of any date after filing in the case of an order denying

effectiveness, was incomplete in any material respect or contained any statement that was, in light of the circumstances under which it was made, false or misleading with respect to any material fact;

(b) has willfully violated or willfully failed to comply with any provision of parts 1 through 3 of this chapter or a predecessor law or any rule or order under parts 1 through 3 of this chapter or a predecessor law;

(c) has been convicted of any misdemeanor involving a security or any aspect of the securities business or any felony;

(d) is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities business;

(e) is the subject of an order of the commissioner denying, suspending, or revoking registration as a broker-dealer, salesperson, investment adviser, or investment adviser representative;

(f) is the subject of an adjudication or determination, within the past 5 years, by a securities or commodities agency or administrator of another state or a court of competent jurisdiction, that the person has violated the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisors Act of 1940, the Investment Company Act of 1940, or the Commodity Exchange Act or the securities or commodities law of any other state;

(g) has engaged in dishonest or unethical practices in the securities business;

(h) is insolvent, either in the sense that the person's liabilities exceed the person's assets or in the sense that the person cannot meet obligations as they mature, but the commissioner may not enter an order against a broker-dealer or investment adviser under this subsection (13) without a finding of insolvency as to the broker-dealer or investment adviser;

(i) has not complied with a condition imposed by the commissioner under this section or is not qualified on the basis of such factors as training, experience, or knowledge of the securities business;

(j) has failed to pay the proper filing fee, but the commissioner may enter only a denial order under this subsection (13), and the commissioner shall vacate any order when the deficiency has been corrected; or

(k) has failed to reasonably supervise the person's salespersons or employees or investment adviser representatives or employees to ensure their compliance with this act.

(14) The commissioner may not institute a suspension or revocation proceeding on the basis of a fact or transaction known to the commissioner when registration became effective unless the proceeding is instituted within ~~30~~ *90* days after the date on which the registration became effective.

(15) The commissioner may by order summarily postpone or suspend registration pending final determination of any proceeding under this section.

(16) Upon the entry of the order under subsection (13), the commissioner shall promptly notify the applicant or registrant, as well as the employer or prospective employer if the applicant or registrant is a salesperson or investment adviser representative, that it has been entered and of the reasons for the order and that if requested by the applicant or registrant within 15 days after the receipt of the commissioner's notification, the matter will be promptly set for hearing. If a hearing is not requested within 15 days and none is ordered by the commissioner, the order will remain in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after notice of and opportunity for hearing, may modify or vacate the order or extend it until final determination.

(17) If the commissioner finds that a registrant or applicant for registration is no longer in existence or has ceased to do business as a broker-dealer, salesperson, investment adviser, or investment adviser representative or is subject to an adjudication of mental incompetence or to the control of a committee, conservator, or guardian or cannot be located after reasonable search, the commissioner may by order cancel the registration or application.

(18) The commissioner may, after suspending or revoking registration of any broker-dealer, salesperson, investment adviser, or investment adviser representative, impose a fine not to exceed $5,000 upon the broker-dealer, salesperson, investment adviser, or investment adviser representative. The fine is in addition to all other penalties imposed by the laws of this state and must be collected by the commissioner in the name of the state of Montana and deposited in the general fund. Imposition of any fine under this subsection is an order from which an appeal may be taken pursuant to 30-10-308. If any broker-dealer, salesperson, investment adviser, or investment adviser representative fails to pay a fine referred to in this subsection, the amount of the fine is a lien upon all of the assets and property of the broker-dealer, salesperson, investment adviser, or investment adviser representative in this state and may be recovered by suit by the commissioner and deposited in the general fund. Failure of a broker-dealer, salesperson, investment adviser, or investment adviser representative to pay a fine also constitutes a forfeiture of the right to do business in this state under parts 1 through 3 of this chapter.

(19) A sole proprietor registered as a broker-dealer or investment adviser who does not employ other salespersons or investment adviser representatives, other than the sole proprietor, is not required to register as both a broker-dealer and a salesperson or as an investment adviser and an investment adviser representative if the sole proprietor meets the examination requirements established by the commissioner by rule.

(20) A person who is subject to the provisions of this section and who has passed the general securities principal's examination is not required to also pass the uniform investment adviser law examination. The commissioner shall by rule provide for a form that a person who passes the general securities principal's examination shall file with the commissioner as a verification of having passed the examination unless the commissioner can verify electronically that the person has passed the exam."

Section 6. Section 30-10-307, MCA, is amended to read:

"**30-10-307. Civil liabilities -- limitations on actions.** (1) Any person who offers or sells a security in violation of 30-10-202 or offers or sells a security by means of fraud or misrepresentation is liable to the person buying the security from the offeror or seller, who may sue either at law or in equity to recover the consideration paid for the security, together with interest at 10% a year from the date of payment, costs, and reasonable attorneys' fees, less the amount of any income received on the security, upon the tender of the security, or for damages if the buyer no longer owns the security. Damages are the amount that would be recoverable upon a tender less:

(a) the value of the security when the buyer disposed of it; and

(b) interest at 10% a year from the date of disposition.

(2) Every person who directly or indirectly controls a seller liable under subsection (1), every partner, officer, or director (or person occupying a similar status or performing similar functions) or employee of the seller, and every broker-dealer or salesperson who participates or materially aids in the sale is liable jointly and severally with and to the same extent as the seller if the nonseller knew, or in the exercise of reasonable care could have known, of the

existence of the facts by reason of which the liability is alleged to exist. There must be contribution among the several liable persons.

(3) Any tender specified in this section may be made at any time before entry of judgment. A cause of action under this statute survives the death of any person who might have been a plaintiff or a defendant. A person may not sue under this section if:

(a) the buyer has received a written offer, at a time when the buyer owned the security, to refund the consideration paid, together with interest at 10% a year from the date of payment, less the amount of any income received on the security and the buyer failed to accept the offer within 30 days of its receipt; or

(b) the buyer has received a written offer at a time when the buyer did not own the security in the amount that would be recoverable under subsection (1) upon a tender less:

(i) the value of the security when the buyer disposed of it; and

(ii) interest at 10% a year from the date of disposition.

(4) A person who has made or engaged in the performance of any contract in violation of any provision of parts 1 through 3 of this chapter or any rule or order under parts 1 through 3 of this chapter or who has acquired any purported right under the contract with knowledge of the facts by reason of which its making or performance was in violation may not base any suit on the contract. Any condition, stipulation, or provision binding any person acquiring any security to waive compliance with any provision of parts 1 through 3 of this chapter or any rule or order adopted under parts 1 through 3 of this chapter is void as against public policy and in the public interest.

(5) (a) An action may not be maintained under this section to enforce any liability founded on a violation of 30-10-202 unless it is brought within ~~2 years after the violation occurs~~ *1 year after discovery of the violation or after the discovery should have been made by exercise of reasonable diligence.*

(b) An action may not be maintained under this section to enforce any liability founded on fraud or misrepresentation unless it is brought within 2 years after discovery of the fraud or misrepresentation on which the liability is founded or after the discovery should have been made by the exercise of reasonable diligence.

(c) An action may not be maintained under this section to enforce any liability founded on fraud or misrepresentation unless it is brought within 5 years after the transaction on which the action is based."

Section 7. Section 30-10-1005, MCA, is amended to read:

"**30-10-1005. (Temporary) Eligibility.** (1) The following victims are eligible for restitution assistance:

(a) a natural person who is a resident of Montana *at the time the offense is committed*; or

(b) a person, other than a natural person, domiciled in Montana *at the time the offense is committed*.

(2) The commissioner may not award securities restitution assistance under this part:

(a) to more than one claimant per victim;

(b) unless the person ordered to pay restitution has not paid the full amount of restitution owed to the victim before the application for restitution assistance from the fund is due; or

(c) if there was no award of restitution in the final order.

(3) If an award of restitution in a final order is overturned on appeal, the commissioner may not award restitution assistance under this part.

(4) If, after the commissioner has made a securities restitution assistance award from the fund under this part, the restitution award in the final order is

overturned on appeal and all legal remedies have been exhausted, the claimant shall forfeit the restitution assistance awarded under this part. (Terminates June 30, 2027--secs. 3, 4, Ch. 404, L. 2021.)"

Section 8. Section 33-1-501, MCA, is amended to read:

"**33-1-501. Filing of forms -- approval -- review of disapproval or withdrawal of approval -- application.** (1) (a) An insurance policy or annuity contract form, certificate, enrollment form, application form, printed rider or endorsement form, or form of renewal certificate may not be delivered or issued for delivery in Montana unless the form and, for the purposes of disability insurance, an outline of coverage as required by 33-22-244 and 33-22-521 have been filed with and approved by the commissioner and, if required, the regulatory official of the state of domicile of the insurer or the interstate insurance product regulation commission provided for in 33-39-101. This provision does not apply to surety bonds or policies, riders, endorsements, or forms of unique character designed for and used with relation to insurance upon a particular subject or that relate to the manner of distribution of benefits or to the reservation of rights and benefits under life or disability insurance policies and are used at the request of the individual policyholder, contract holder, or certificate holder. Forms for use in property, marine, other than ocean marine and foreign trade coverages, casualty, and surety insurance coverages may be filed by a rating organization on behalf of its members and subscribers or by a member or subscriber on its own behalf.

(b) A filing required by subsection (1)(a) must be submitted by an officer of the insurer with a certification in a form prescribed by the commissioner. The certification must state that to the best of the officer's knowledge and belief, the policy, contract form, certificate, enrollment form, application form, printed rider or endorsement form, or form of renewal certificate complies with the applicable provisions of Title 33.

(c) The approval of an insurance policy or annuity contract form, certificate, enrollment form, application form, or other related insurance form by the state of domicile may be waived by the commissioner if the commissioner considers the requirements of subsection (1)(a) unnecessary for the protection of Montana insurance consumers. If the requirement is waived, an insurer shall notify the commissioner in writing within 10 days of disapproval, denial, or withdrawal of approval of a form by the state of domicile.

(2) (a) The filing must be made not less than 60 days before delivery and must be delivered by hand or sent by certified mail with a return receipt requested. The commissioner's office shall mark a filing with the date of receipt by the commissioner's office.

(b) (i) If after 60 days from the date of receipt by the commissioner's office the commissioner has not approved or disapproved the form by a notice pursuant to the provisions in subsection (4), the form is considered approved for all purposes, subject to subsection (2)(c).

(ii) The running of the 60-day period is tolled for a period commencing on the date that the commissioner notifies the insurer of problems or questions and requests additional information from the insurer concerning a form filed pursuant to subsection (1)(a) and ending on the date that the insurer submits its response to the commissioner.

(iii) For purposes of tolling the 60-day period as provided in subsection (2)(b)(ii), the commissioner's request notification may be made electronically.

(c) In a letter separate from the original filing and delivered by hand or sent by certified mail with return receipt requested, the insurer shall notify the commissioner, at least 10 days before the use of the form in the market, that the insurer believes that:

(i) the form has been or will be considered approved; and

(ii) the insurer will begin marketing the form in Montana.

(d) The commissioner's office shall mark a letter received pursuant to subsection (2)(c) with the date of receipt by the commissioner's office.

(3) Approval of a form by the commissioner constitutes a waiver of any unexpired portion of the waiting period.

(4) The commissioner may at any time, after notice and for cause shown, withdraw any approval. Notice by the commissioner disapproving a form or withdrawing a previous approval must state the grounds for disapproval or withdrawal in sufficient detail to inform the insurer of the specific reason or reasons for and the legal authority supporting the disapproval or withdrawal of approval in whole or in part. The disapproval or withdrawal of approval does not take effect unless it is issued after the commissioner has reviewed the form and provided notice to the person who filed the form pursuant to 33-1-314 and this subsection.

(5) After the date of the insurer's receipt of notice of disapproval or withdrawal of approval by the commissioner, the insurer may not deliver the form or issue the form for delivery in Montana.

(6) The insurer may request a hearing, as provided for in 33-1-701, for unresolved disputes regarding a disapproval or a withdrawal of approval.

(7) The commissioner may exempt from the requirements of this section, for so long as the commissioner considers proper, an insurance document, form, or type of document or form to which, in the commissioner's opinion, this section may not practicably be applied or the filing and approval of which are not desirable or necessary for the protection of the public.

(8) This section applies to a form used by a domestic insurer for delivery in a jurisdiction outside Montana if the insurance supervisory official of the jurisdiction informs the commissioner that the form is not subject to approval or disapproval by the official and upon the commissioner's order requiring the form to be submitted to the commissioner for the purpose. The same standards apply to these forms as apply to forms for domestic use.

(9) Section 33-1-502 and this section do not apply to:

(a) reinsurance;

(b) policies or contracts not issued for delivery in Montana or delivered in Montana, except as provided in subsection (8);

(c) ocean marine and foreign trade insurances.

(10) Except as provided in chapter 21, group certificates that are delivered or issued for delivery in Montana for group insurance policies effectuated and delivered outside Montana but covering persons resident in Montana must be filed with the commissioner ~~upon request~~. The certificates must meet the minimum provisions mandated by Montana if Montana law prevails over conflicting provisions of other state law."

Section 9. Designation as a domestic surplus lines insurer -- requirements -- scope of business activity permitted. (1) A domestic insurer possessing minimum capital and surplus of at least $15 million, pursuant to a resolution by its board of directors and on the written approval of the commissioner, may be designated as a domestic surplus lines insurer. A domestic surplus lines insurer must be considered an unauthorized insurer only for the purposes of writing surplus lines insurance coverage pursuant to the requirements of this section.

(2) A domestic surplus lines insurer shall only write surplus lines insurance in this state procured pursuant to the requirements of this 33-2-324 title. A domestic surplus lines insurer may write surplus lines insurance in any other jurisdiction in which the insurer is eligible to write surplus lines insurance

if the domestic surplus lines insurer complies with any requirements of that jurisdiction.

(3) Insurance written by a domestic surplus lines insurer is subject to the tax on premiums required by 33-2-311 and is exempt from the tax on premiums required by 33-2-705.

(4) A domestic surplus lines insurer must be considered a nonadmitted insurer as referenced in 15 U.S.C. 8206 with respect to surplus lines insurance issued in this state.

(5) Surplus lines insurance policies issued in this state by a domestic surplus lines insurer are not subject to the protection or other provisions of the Montana Insurance Guaranty Association Act, Title 33, chapter 10, part 1.

(6) Surplus lines insurance policies issued in this state by a domestic surplus lines insurer are not subject to and are exempt from all statutory requirements relating to insurance rating and rating plans, policy forms, and policy cancellation and nonrenewal in the same manner and to the same extent as a surplus lines insurer domiciled in another state.

Section 10. Section 33-2-301, MCA, is amended to read:

"**33-2-301. Short title -- purpose -- definitions.** (1) This part constitutes and may be referred to as "The Surplus Lines Insurance Law".

(2) The purpose of this part is to:

(a) protect persons seeking insurance in this state;

(b) permit surplus lines insurance to be placed with reputable and financially sound unauthorized insurers and*, except with a domestic surplus lines insurer,* to be exported from this state pursuant to this part;

(c) establish a system of regulation that will permit orderly access to surplus lines insurance in this state and encourage unauthorized insurers to provide new and innovative types of insurance to consumers in this state; and

(d) protect revenues of this state.

(3) As used in this part, the following definitions apply:

(a) "Affiliated" means that a person directly or indirectly controls, is controlled by, or is under common control with the insured.

(b) "Affiliated group" means any group of persons that are affiliated.

(c) "Approved risk list" means the list approved by the commissioner of the kinds of insurance presumed unobtainable from authorized insurers when Montana is the home state of the insured.

(d) "Authorized insurer" means an insurer authorized pursuant to 33-2-101 to transact insurance in this state.

(e) (i) "Business entity" means a corporation, a limited liability company, an association, a partnership, a limited liability partnership, or other legal entity.

(ii) The term does not include an individual.

(f) "Control", including the terms "controlled by" and "under common control with", means that:

(i) the person directly or indirectly or acting through one or more other persons owns, controls, or has the power to vote 25% or more of any class of voting securities of a business entity; or

(ii) the person controls in any manner the election of a majority of the directors or trustees of a business entity.

(g) (i) "Disability income insurance" has the meaning provided in 33-1-235 for:

(A) individuals employed in professional sports or the entertainment industry; or

(B) a business entity insuring a principal to cover liability or provide assurance for the business entity's loans or contracts.

(ii) Disability income insurance sold on the surplus lines market must be unavailable from or limited by an authorized insurer.

(h) "Eligible surplus lines insurer" means an unauthorized insurer that is eligible to issue surplus lines insurance under 33-2-307.

(i) "Exempt commercial purchaser" has the meaning provided in 33-2-318.

(j) "Export" means to place surplus lines insurance with an unauthorized insurer.

(k) "Home state" means, with respect to an insured:

(i) the state in which the insured maintains its principal place of business or, in the case of an individual, the individual's principal residence;

(ii) if 100% of the insured risk is located outside the state referred to in subsection (3)(k)(i), the state with the greatest allocated percentage of the insured's taxable premium for that surplus lines insurance contract;

(iii) if more than one insured from an affiliated group are named insureds on a single surplus lines insurance contract, the home state as determined under subsection (3)(k)(i) or (3)(k)(ii) for the member of the affiliated group that has the largest percentage of premium attributed to it under the surplus lines insurance contract; or

(iv) if a group policyholder pays 100% of the premium from its own funds, the home state of the group policyholder as determined under subsection (3)(k)(i) or, if a group policyholder does not pay 100% of the premiums from its own funds, the home state of the group member as determined under subsection (3)(k)(i).

(l) "Independently procured insurance" means surplus lines insurance procured directly by an insured from an eligible surplus lines insurer.

(m) "Multistate risk" means a risk covered by an unauthorized insurer with insured exposures in more than one state.

(n) "Natural disaster multiperil insurance" means any combination of flood, earthquake, and landslide insurance that may be sold as surplus lines insurance.

(o) "Principal place of business" means the state where the insured business maintains its headquarters and where the insured's high-level officers direct, control, and coordinate the business activities of the insured.

(p) "Principal residence" means the state where an individual insured resides for the greatest number of days during a calendar year or, if the insured's principal residence is located outside of any state, the state to which the greatest percentage of the insured's taxable premium for that insurance contract is located.

(q) "Producing insurance producer" means a Montana-licensed property and casualty insurance producer dealing directly with a person seeking insurance.

(r) "Qualified risk manager" has the meaning provided in 33-2-319.

(s) "Single-state risk" means a risk covered by an unauthorized insurer with exposures in only one state.

(t) "State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, the Virgin Islands, and American Samoa.

(u) (i) "Surplus lines insurance" means any property, casualty, or inland marine insurance permitted in a state to be placed directly or through a surplus lines insurance producer with an unauthorized insurer eligible to accept the insurance. The term includes independently procured insurance.

(ii) The term does not include the kinds of insurance exempted under 33-2-317.

(v) "Surplus lines insurance producer" means an individual or business entity licensed under 33-2-305 to place surplus lines insurance on risks

resident, located, or to be performed in this state with unauthorized insurers eligible to accept the insurance.

(w) "Unauthorized insurer" means, with respect to a state, an insurer not authorized to transact the business of insurance in the state. The term includes an insurance exchange authorized under the laws of another state. The term does not include a risk retention group, as that term is defined in the Liability Risk Retention Act of 1986, 15 U.S.C. 3901(a)(4)."

Section 11. Section 33-2-306, MCA, is amended to read:

"**33-2-306. Surplus lines insurance producer's authority under license -- acceptance of business from other insurance producers.** (1) Under a surplus lines insurance producer's license, the licensee may place surplus lines insurance, in compliance with this part, with a *domestic surplus lines insurer or a* foreign or alien insurer not authorized to transact insurance in this state and may act as a surplus lines insurance producer in this state for the insurer.

(2) The surplus lines insurance producer may accept surplus lines insurance from a licensed insurance producer of an authorized insurer or, if the commissioner agrees in advance, through an individual or business entity that has not been appointed as an insurance producer in this state and may provide compensation for the service, notwithstanding 33-17-1103.

(3) A surplus lines insurance producer who places or renews surplus lines insurance in accordance with subsection (1) may collect an inspection fee for the actual costs of inspecting the risk to be covered."

Section 12. Section 33-3-201, MCA, is amended to read:

"**33-3-201. Incorporation.** (1) This section applies to stock and mutual insurers incorporated in this state.

(2) Five or more individuals, none of whom are less than 18 years of age, may incorporate a stock insurer. Ten or more individuals, none of whom are less than 18 years of age, may incorporate a mutual insurer. At least a majority of the incorporators must be citizens of the United States. At least a majority of the incorporators must be residents of this state.

(3) The incorporators shall execute articles of incorporation ~~and acknowledge their execution in the same manner as provided by law for the acknowledgment of deeds~~. The articles of incorporation must state the purpose for which the corporation is formed and must show:

(a) the name of the corporation. If a mutual corporation, the word "mutual" must be a part of the name. An alternative name or names may be specified for use in jurisdictions where a conflict of name with that of another insurer or organization might otherwise prevent the corporation from being authorized to transact insurance in that jurisdiction.

(b) the duration of its existence, which may be perpetual;

(c) the kinds of insurance, as defined in this code, which the corporation is formed to transact;

(d) if a stock corporation, its authorized capital stock, the number of shares of common stock, and the par value of each share. The par value must be at least $1. Shares without par value or other than one class of voting common stock are not authorized. The articles of incorporation may limit or deny present or future stockholders preemptive or preferential rights to acquire additional issues of the stock, bonds, debentures, or other obligations convertible into stock, of the corporation, subject to the laws of Montana fixing the required representation and proportion of outstanding capital stock required to be represented and voted, for specified action, at any and all corporate meetings, elections, votes, or consent proceedings.

(e) if a stock corporation, the extent, if any, to which shares of its stock are subject to assessment;

(f) if a stock corporation, the number of shares subscribed, if any, by each incorporator;

(g) if a mutual corporation, the maximum contingent liability of its members, other than as to nonassessable policies, for payment of losses and expenses incurred. Any liability must be stated in the articles of incorporation but may not be less than one or more than six times the premium for the member's policy at the annual premium rate for a term of 1 year.

(h) the minimum, not less than 5, and the maximum, not more than 21, number of directors who constitute the board of directors and conduct the affairs of the corporation, and the names, addresses, and terms of the members of the initial board of directors. The term of office of initial directors may not be for more than 1 year after the date of incorporation.

(i) the name of the county, and the city, town, or place within the county, in which its principal office or principal place of business is to be located in this state;

(j) any other provisions, not inconsistent with law, considered appropriate by the incorporators;

(k) the name and residence address of each incorporator and the citizenship of each incorporator who is not a citizen of the United States."

Section 13. Section 33-17-237, MCA, is amended to read:

"**33-17-237. Notification of violation or appointment termination.** (1) ~~Upon~~ *On* the termination of an appointed insurance producer by an insurer, the insurer shall notify the ~~insurance department~~ *commissioner* within 30 days in the manner prescribed by the ~~insurance department~~ *commissioner*, which may include electronic filing.

(2) If the reason for the termination is any of the causes listed in 33-17-1001 or 33-25-301, the insurer shall immediately notify the ~~insurance department~~ *commissioner* of the reason.

(3) Whenever an insurance company or an employee or representative of the company has reasonable cause to believe that a person has violated 33-17-1001 or 33-25-301, it is the duty of that entity, upon acquiring the knowledge, to notify the ~~insurance department~~ *commissioner* and provide the ~~insurance department~~ *commissioner* with a complete statement of all relevant facts and circumstances.

(4) The insurer, employee, or representative shall, ~~upon~~ *on* request of the ~~insurance department~~ *commissioner*, provide information, documents and records, or other data pertaining to the alleged violation or termination that may be used by the ~~insurance department~~ *commissioner* in any action taken pursuant to Title 33, chapter 17, part 10.

(5) Any information, documents, records, or other data provided pursuant to this section is privileged, and there is no liability on the part of nor may a cause of action of any nature arise against the ~~insurance department~~ *commissioner*, the insurance company, or an authorized representative of either so long as the privileged information is furnished in good faith."

Section 14. Section 33-17-243, MCA, is amended to read:

"**33-17-243. Producer exchange training -- certification for exchange sales.** ~~(1)~~ A producer may not sell, solicit, or negotiate insurance through an exchange on or after October 1, 2013, without first completing the ~~initial~~ producer exchange training and certification program ~~provided for in this section~~ as prescribed and approved by the commissioner.

~~(2) The producer exchange training and certification program required in this section must consist of topics related to health insurance offered within an exchange, including but not limited to:~~

~~(a) the levels of coverage provided in an exchange;~~

~~(b) the eligibility requirements for individuals to purchase insurance through an exchange;~~

~~(c) the eligibility requirements for employers to make insurance available to their employees through a small business health options program;~~

~~(d) the individual eligibility requirements for medicaid and the healthy Montana kids plan, as provided in Title 53; and~~

~~(e) the use of enrollment forms used in an exchange.~~"

Section 15. Section 33-17-1402, MCA, is amended to read:

"**33-17-1402. Requirements to offer and disseminate travel insurance -- types of policies -- rulemaking.** (1) The commissioner may issue a limited lines travel insurance producer license to an individual or business entity that has filed with the commissioner an application for a limited lines travel insurance producer license in a form and manner prescribed by the commissioner. The limited lines travel insurance producer must be licensed to sell, solicit, or negotiate travel insurance through a licensed insurer. A person may not act as a limited lines travel insurance producer or travel retailer unless properly licensed *or registered, respectively*.

(2) A travel retailer may offer and disseminate travel insurance under a limited lines travel insurance producer business entity license only if the following conditions are met:

(a) the limited lines travel insurance producer or travel retailer provides purchasers of travel insurance with:

(i) a description of the material terms or the actual material terms of the insurance coverage;

(ii) a description of the process for filing a claim;

(iii) a description of the review or cancellation process for the travel insurance policy; and

(iv) the identity and contact information of the insurer and the limited lines travel insurance producer;

(b) the limited lines travel insurance producer designates an employee who is an individual licensed producer as the designated responsible producer responsible for the limited lines travel insurance producer's compliance with the applicable insurance laws and rules of this state;

(c) the designated responsible producer, president, secretary, treasurer, and any other officer or person who directs or controls the limited lines travel insurance producer's insurance operations have complied with the fingerprinting requirements in the resident state of the limited lines travel insurance producer;

(d) the limited lines travel insurance producer has paid all applicable insurance producer licensing fees required pursuant to 33-2-708 or other applicable state law; and

(e) the limited lines travel insurance producer requires each employee and authorized representative of the travel retailer whose duties include offering and disseminating travel insurance to receive a program of instruction or training, which may be subject to review by the commissioner. The training material must, at a minimum, contain instructions on the types of insurance offered, ethical sales practices, and required disclosures to prospective customers.

(3) A travel retailer offering or disseminating travel insurance shall make available to prospective purchasers brochures or other written materials that:

(a) provide the identity and contact information of the insurer and the limited lines travel insurance producer;

(b) explain that the purchase of travel insurance is not required in order to purchase any other product or service from the travel retailer; and

(c) explain that a travel retailer employee or authorized representative who is not licensed as an insurance producer is permitted to provide general information about the insurance offered by the travel retailer, including a description of the coverage and price, but is not qualified or authorized to answer technical questions about the terms and conditions of the insurance offered by the travel retailer or to evaluate the adequacy of the customer's existing insurance coverage.

(4) A travel retailer's employees or authorized representatives who are not licensed as insurance producers may not:

(a) evaluate or interpret the technical terms, benefits, and conditions of the offered travel insurance coverage;

(b) evaluate or provide advice concerning a prospective purchaser's existing insurance coverage; or

(c) hold themselves out as licensed insurers, licensed producers, or insurance experts.

(5) Travel insurance may be provided under an individual policy or under a group or master policy.

(6) A person licensed in property and casualty as an insurance producer is authorized to sell, solicit, and negotiate travel insurance. A property and casualty insurance producer is not required to become appointed by an insurer in order to sell, solicit, or negotiate travel insurance."

Section 16. Section 33-19-105, MCA, is amended to read:

"**33-19-105. Exemption based on federal standards for privacy of individually identifiable health information -- notice to commissioner required -- rules.** (1) ~~The~~ *Except as provided in subsection (5), the* obligations imposed under this chapter do not apply to a licensee that is a covered entity under the provisions of federal regulations that are part of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), 45 CFR, parts 160 and 164, standards for privacy of individually identifiable health information or security standards for the protection of electronic health information as to any use or disclosure of personal information that is covered under the HIPAA privacy and security regulations, except for the following provisions:

(a) A notice of insurance information practices described as a notice of privacy practices for protected health information under HIPAA privacy regulations must be delivered as provided for in 33-19-202(1).

(b) To the extent that an insurer collects, discloses, or uses personal information that is not covered under the HIPAA notice of privacy practices, a separate Montana specific notice must be delivered pursuant to the provisions of 33-19-202.

(c) A disclosure authorization remains valid for a period that does not exceed 24 months, as provided for in 33-19-206(2).

(d) The reasons for an adverse underwriting decision must be specified, as provided for in 33-19-303.

(e) Disclosure of underwriting information is required, as provided for in 33-19-308.

(2) The commissioner may adopt rules regarding the exceptions from the exemption provisions described in subsection (1), including additional exceptions that embody substantive provisions of this chapter but would not be preempted by HIPAA privacy regulations.

(3) If a licensee considers itself exempt from a provision of this chapter for the reason provided in subsection (1), the licensee shall give written notice to the commissioner of that exemption and a brief statement describing why the licensee is a HIPAA-covered entity.

(4) A licensee may claim an exemption only for those lines of business that are subject to HIPAA privacy regulations. All other lines of business are subject to this chapter.

(5) A licensee exempt under subsection (1) shall comply with 33-19-321.

~~(5)~~*(6)* ~~A~~ *Except as provided in subsection (7), a* business associate, as defined in the HIPAA privacy regulations, 45 CFR 160.103, that is a party to a valid business associate agreement required by HIPAA privacy regulations is exempt from the provisions of this chapter, but only as to the scope of that particular agreement. Any activity of the business associate that falls outside of the scope of that agreement is subject to the provisions of this chapter.

(7) A business associate party to an agreement with a licensee exempt under subsection (1) shall comply with 33-19-321.

~~(6)~~*(8)* The commissioner retains the authority to conduct complete market conduct examinations of the licensee as to the privacy policies and practices that are subject to state privacy laws.

~~(7)~~*(9)* Beginning July 1, 2011:

(a) if a licensee is subject to and in compliance with a federal regulation that is part of the federal health insurance portability and accountability privacy and security regulations, 45 CFR, parts 160 and 164, and the federal regulation with which the licensee complies is inconsistent with a provision of this chapter and not less protective of consumer privacy, the licensee is exempt from compliance with the inconsistent provision of this chapter;

(b) if a licensee considers itself exempt from a provision of this chapter for the reason provided in subsection ~~(7)(a)~~ *(9)(a)*, the licensee shall give written notice to the commissioner of that exemption unless the requirements of this subsection ~~(7)~~ *(9)* are preempted by HIPAA privacy regulations. The notice must include a statement of the reason for the claimed exemption."

Section 17. Section 33-20-1302, MCA, is amended to read:

"**33-20-1302. Definitions.** As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Financing entity" means an underwriter, placement agent, lender, or any entity, other than a nonaccredited investor, that has a direct ownership in a policy or certificate that is the subject of a viatical settlement contract, whose sole activity related to the transaction is the provision of funds to effect the viatical settlement contract, and who has an agreement in writing with one or more licensed viatical settlement providers.

(2) "Related provider trust" means a trust established by a licensed viatical settlement provider or a financing entity for the sole purpose of holding the ownership or beneficial interest in purchased policies in connection with a financing transaction. The trust must have a written agreement with the viatical settlement provider under which the licensed viatical settlement provider is responsible for ensuring compliance with all statutory and regulatory requirements and under which the trust agrees to make all records and files related to viatical settlement transactions available to the commissioner.

(3) "Special purpose entity" means a corporation, partnership, trust, limited liability company, or other similar entity formed solely to provide, either directly or indirectly, access to institutional capital markets for a financing entity or licensed viatical settlement provider.

(4) (a) "Viatical settlement broker" means an individual who, for a fee, commission, or other consideration:

(i) offers or advertises the availability of viatical settlement contracts;

(ii) introduces holders of life insurance policies or certificates insuring the lives of individuals with a terminal illness or condition to viatical settlement providers; or

(iii) offers or attempts to negotiate viatical settlement contracts between the policyholders or certificate holders and one or more viatical settlement providers.

(b) Viatical settlement broker does not mean an attorney, accountant, or financial planner retained to represent the policyholder or certificate holder unless compensation paid to the attorney, accountant, or consultant is paid by the viatical settlement provider.

(5) (a) "Viatical settlement contract" means a written agreement establishing the terms under which compensation or anything of value will be paid, when the compensation or value is less than the expected death benefit of the insurance policy or certificate, in return for the viator's assignment, transfer, sale, devise, or bequest of the death benefit or ownership of any portion of the insurance policy or certificate of insurance.

(b) The term includes:

(i) a contract for a loan or other financing transaction with a viator secured primarily by an individual or group life insurance policy, other than a loan by a life insurance company pursuant to the terms of the life insurance contract, or a loan secured by the cash value of a policy; or

(ii) an agreement with a viator to transfer ownership or change the beneficiary designation at a later date regardless of the date that compensation is paid to the viator.

(c) The term does not mean a written agreement entered into between a viator and a person having an insurable interest in the viator's life.

(6) (a) "Viatical settlement provider" means a person who solicits, enters into, or negotiates viatical settlement contracts or offers to enter into or negotiate viatical settlement contracts.

(b) Viatical settlement provider does not mean:

(i) a bank, savings bank, savings and loan association, credit union, or other licensed lending institution that takes an assignment of a life insurance policy only as collateral for a loan;

(ii) an insurer issuing a life insurance policy providing accelerated benefits pursuant to 33-20-127 or pursuant to the laws of the state to which the policy was subject when issued;

(iii) an individual who enters into a single agreement in a calendar year for the transfer of life insurance policies for any value less than the expected death benefit; or

(iv) any corporation, partnership, or partner that purchases a life insurance contract of an employee or retiree of the corporation or of a partner. The settlement made on any contract exempt under this section must be reasonable and subject to the standards imposed on licensees under 33-20-1304.

(7) (a) "Viatical settlement purchase agreement" means a contract or agreement entered into by a viatical settlement purchaser with a viatical settlement provider to purchase a life insurance policy or an interest in a life insurance policy for the purpose of deriving an economic benefit.

(b) A viatical settlement purchase agreement does not include a viatical settlement contract.

(8) (a) "Viatical settlement purchaser" means a person who, for the purpose of deriving an economic benefit:

(i) gives consideration for a life insurance policy or an interest in the death benefits of a life insurance policy; or

(ii) owns, acquires, or is entitled to a beneficial interest in a trust that owns a viatical settlement contract or that is the beneficiary of a life insurance policy that has been or will be the subject of a viatical settlement contract.

(b) A viatical settlement purchaser does not include a licensed viatical settlement provider, a licensed viatical settlement broker, a qualified institutional buyer as defined in 17 CFR 230.144A, a financing entity, a special purpose entity, or a related provider trust.

(9) (a) "Viator" means the owner of a life insurance policy or the certificate holder under a group policy who enters or seeks to enter into a viatical settlement contract. *For the purposes of this part, a viator may not be limited to an owner of a life insurance policy or a certificate holder under a group policy insuring the life of an individual with a terminal or chronic illness or condition except where specifically addressed.*

(b) The term does not include a licensed viatical settlement provider, a licensed viatical settlement broker, a qualified institutional buyer as defined in 17 CFR 230.144A, a financing entity, a special purpose entity, or a related provider trust."

Section 18. Section 33-22-132, MCA, is amended to read:

"**33-22-132. Coverage for minimum mammography and other breast examinations.** (1) Each group or individual medical expense and blanket disability policy, certificate of insurance, and membership contract that is delivered, issued for delivery, renewed, extended, or modified in this state must provide coverage of minimum mammography and other breast examinations as provided in this section.

(2) For the purpose of this section, the following definitions apply:

(a) "Cost-sharing requirement" means a deductible, coinsurance, copayment, and any maximum limitation on the application of a deductible, coinsurance, copayment, or similar out-of-pocket expense.

(b) (i) "Diagnostic breast examination" means a medically necessary and clinically appropriate examination of the breast that is used to evaluate an abnormality seen or suspected from a screening examination for breast cancer or detected by another means of examination.

(ii) The term includes examinations using diagnostic mammography, breast magnetic resonance imaging, or breast ultrasound.

(c) "Minimum mammography examination" means:

(i) one baseline mammogram for a woman who is 35 years of age or older and under 40 years of age;

(ii) a mammogram every 2 years for any woman who is 40 years of age or older and under 50 years of age or more frequently if recommended by the woman's physician; and

(iii) a mammogram each year for a woman who is 50 years of age or older.

(d) (i) "Supplemental breast examination" means a medically necessary and *clinically* appropriate examination of the breast that is used to screen for breast cancer when there is no abnormality seen or suspected and is based on personal or family medical history or other factors that may increase a person's risk of breast cancer.

(ii) The term includes examination using breast magnetic resonance imaging or breast ultrasound.

(3) A minimum $70 payment or the actual charge if the charge is less than $70 must be made for each minimum mammography examination performed before the application of the terms of the applicable group or individual disability policy, certificate of insurance, or membership contract that establish durational limits, deductibles, and copayment provisions as long as the terms are not less favorable than for physical illness generally.

(4) (a) Except as provided in subsection (4)(b), a group health plan or a health insurance issuer offering group or individual health insurance coverage may not impose any cost-sharing requirements for a diagnostic breast examination or supplemental breast examination *rendered by a preferred provider as defined in 33-22-1703* when the plan or coverage provides screening benefits, supplemental breast examinations, and diagnostic breast examinations furnished to an individual enrolled under the plan or coverage.

(b) If, under federal law, application of subsection (4)(a) would result in health savings account ineligibility under section 223 of the federal Internal Revenue Code, this requirement may apply only, for health savings account-qualified high deductible health plans with respect to the deductible of the plan after the ~~enrollee~~ *individual* has satisfied the *plan's* minimum deductible ~~under~~ *as required by* section 223, except for with respect to items or services that are preventive care pursuant to section 223(c)(2)(C) of the federal Internal Revenue Code, in which case the requirements of subsection (4)(a) apply regardless of whether the *plan's* minimum deductible ~~under section 223~~ has been satisfied.

(5) This section does not apply to disability income, hospital indemnity, medicare supplement, accident-only, vision, dental, or specified disease policies."

Section 19. Section 33-22-138, MCA, is amended to read:

"**33-22-138. Coverage for telehealth services -- rulemaking.** (1) Each group or individual policy, certificate of disability insurance, subscriber contract, membership contract, or health care services agreement that provides coverage for health care services must provide coverage for health care services provided by a health care provider or health care facility by means of telehealth if the services are otherwise covered by the policy, certificate, contract, or agreement.

(2) A policy, certificate, contract, or agreement may not:

(a) impose restrictions involving:

(i) the site at which the patient is physically located and receiving health care services by means of telehealth; or

(ii) the site at which the health care provider is physically located and providing the services by means of telehealth; or

(b) distinguish between telehealth services provided to patients in rural locations and telehealth services provided to patients in urban locations.

(3) Coverage under this section must be equivalent to the coverage for services that are provided in person by a health care provider or health care facility.

(4) Nothing in this section may be construed to require:

(a) a health insurance issuer to provide coverage for services that are not medically necessary, subject to the terms and conditions of the insured's policy;

(b) coverage of an otherwise noncovered benefit;

(c) a health care provider to be physically present with a patient at the site where the patient is located unless the health care provider who is providing health care services by means of telehealth determines that the presence of a health care provider is necessary; or

(d) except as provided in 16-12-509 or as provided in Title 37 and related administrative rules, a patient to have a previously established patient-provider relationship with a specific health care provider in order to receive health care services by means of telehealth.

(5) Coverage under this section may be subject to deductibles, coinsurance, and copayment provisions. ~~Special deductible~~ *Deductibles*, coinsurance, copayment, or other limitations that are ~~not generally applicable to other~~

~~medical services covered under the plan may not be~~ imposed on the coverage for services provided by means of telehealth *may not be more than deductibles, coinsurance, copayment, or other limitations that are applicable to other medical services covered under the plan*.

(6) This section does not apply to disability income, hospital indemnity, medicare supplement, specified disease, or long-term care policies.

(7) The commissioner may adopt rules necessary to implement the provisions of this section.

(8) For the purposes of this section, the following definitions apply:

(a) "Health care facility" means a critical access hospital, hospice, hospital, long-term care facility, mental health center, outpatient center for primary care, or outpatient center for surgical services licensed pursuant to Title 50, chapter 5.

(b) "Health care provider" means an individual:

(i) licensed pursuant to Title 37, chapter 3, 4, 6, 7, 10, 11, 15, 17, 20, 22, 23, 24, 25, 26, or 35;

(ii) licensed pursuant to Title 37, chapter 8, to practice as a registered professional nurse or as an advanced practice registered nurse;

(iii) certified by the American board of genetic counseling as a genetic counselor; or

(iv) certified by the national certification board for diabetes educators as a diabetes educator.

(c) (i) "Telehealth" means the use of audio, video, or other telecommunications technology or media, including audio-only communication, that is:

(A) used by a health care provider or health care facility to deliver health care services; and

(B) delivered over a secure connection that complies with state and federal privacy laws.

(ii) The term does not include delivery of health care services by means of facsimile machines or electronic messaging alone. The use of facsimile and electronic message is not precluded if used in conjunction with other audio, video, or telecommunications technology or media.

(iii) For physicians providing written certification of a debilitating medical condition pursuant to 16-12-509, the term does not include audio-only communication unless the physician has previously established a physician-patient relationship through an in-person encounter."

Section 20. Section 33-22-150, MCA, is amended to read:

"**33-22-150. Reciprocal limitations on claim filing and claim audits -- time limit for reimbursements or offsets -- exceptions.** (1) Except as provided in subsection (3), (4), or (5), if a health insurance issuer limits the time in which a health care provider or other person is required to submit a claim for payment, the health insurance issuer has the same time limit following payment of the claim to perform any review or audit ~~for reconsidering~~ *to reconsider* the validity of the claim and ~~requesting~~ *to request* reimbursement ~~for~~ *or offset another claim* payment *for reimbursement* of an invalid claim or overpayment of a claim.

(2) Except as provided in subsection (3), (4), or (5), if a health insurance issuer does not limit the time in which a health care provider or other person is required to submit a claim for payment, ~~a~~ *the* health insurance issuer may not request reimbursement or offset another claim payment for reimbursement of an invalid claim or overpayment of a claim more than 12 months after the payment of an invalid or overpaid claim.

(3) Regardless of the period allowed by a health insurance issuer for submission of claims for payment, ~~a~~ *the* health insurance issuer may perform

a review or audit to reconsider the validity of a claim and may request reimbursement *or offset another claim payment* for *reimbursement of* an invalid or overpaid claim within 12 months from the date upon which the health insurance issuer received notice of a determination, adjustment, or agreement regarding the amount payable with respect to a claim by:

(a) medicare;

(b) a workers' compensation insurer;

(c) another health insurance issuer or group health plan;

(d) a liable or potentially liable third party; or

(e) a foreign health insurance issuer under an agreement among plans operating in different states when the agreement provides for payment by the Montana health insurance issuer as host plan to Montana providers for services provided to an individual under a plan issued outside of the state of Montana.

(4) (a) The time limitations on the health insurance issuer in subsections (1) and (2) do not commence running until the time specified in subsection (4)(b) if ~~a~~ *the* health insurance issuer pays a claim in which the health insurance issuer:

(i) suspects the health care provider or claimant of insurance fraud related to the claim; and

(ii) has reported evidence of fraud related to the claim to the commissioner pursuant to 33-1-1205.

(b) The time limitation commences running on the date that the commissioner determines that insufficient evidence of fraud exists.

(5) The time limitations on the health insurance issuer in subsections (1) and (2) do not commence running until the health insurance issuer has actual knowledge of an invalid claim, claim overpayment, or other incorrect payment if the health insurance issuer has paid a claim incorrectly because of an error, misstatement, misrepresentation, omission, or concealment, other than insurance fraud, by the health care provider or other person. Regardless of the date upon which the health insurance issuer obtains actual knowledge of an invalid claim, claim overpayment, or other incorrect payment, this subsection does not permit the health insurance issuer to request reimbursement or to offset another claim payment for reimbursement of the claim more than 24 months after payment of the claim."

Section 21. Section 33-22-206, MCA, is amended to read:

"**33-22-206. Grace period.** (1) There must be a provision as follows:

"Grace Period: A grace period of.... (insert a number not less than 7 for weekly premium policies, 10 for monthly premium policies, and 31 for all other policies) days will be granted for the payment of each premium falling due after the first premium, during which grace period the policy must continue in force."

(2) A policy in which the insurer reserves the right to refuse renewal must ~~have,~~ *include the following language* at the beginning of the provision contained in subsection (1):

"~~Unless not less than 30 days prior to the premium due date~~ *If* the insurer ~~has delivered~~ *does not deliver* to the insured or ~~has mailed~~ *mail* to the insured's last address as shown by the records of the insurer *a* written notice *at least 30 days prior to the premium due date* of its intention not to renew this policy beyond the period for which the premium has been accepted.""

Section 22. Section 33-22-208, MCA, is amended to read:

"**33-22-208. Notice of claim.** (1) A policy must contain a provision as follows:

"Notice of Claim: Written notice of claim must be given to the insurer within 6 months after the occurrence or commencement of any loss covered by the policy or as soon after that date as is reasonably possible. Notice given by or on behalf of the insured or the beneficiary to the insurer at.... (insert the location of the office that the insurer may designate for the purpose) or to any authorized insurance producer of the insurer, with information sufficient to identify the insured, is considered notice to the insurer."

(2) A policy may allow written notice of a claim to be given to the insurer more than 6 months after the occurrence or commencement of any loss covered by the policy or as soon after that date as is reasonably possible.

~~(2)~~*(3)* In a policy providing a loss-of-time benefit that may be payable for at least 2 years, an insurer may at its option insert the following between the first and second sentences of the provision in subsection (1):

"Subject to the qualifications set forth below, if the insured suffers loss of time on account of disability for which indemnity may be payable for at least 2 years, the insured shall, at least once in every 6 months after having given notice of the claim, give to the insurer notice of continuance of the disability, except in the event of legal incapacity. The period of 6 months following any filing of proof by the insured or any payment by the insurer on account of the claim or any denial of liability in whole or in part by the insurer must be excluded in applying this provision. Delay in giving the notice may not impair the insured's right to any indemnity that would otherwise have accrued during the period of 6 months preceding the date on which the notice is actually given.""

Section 23. Section 33-22-244, MCA, is amended to read:

"**33-22-244. Disclosure standards -- individual policy.** (1) In order to provide for full and fair disclosure in the sale of disability insurance, an individual disability insurance policy may not be delivered or issued for delivery in this state unless an outline of coverage is filed with and approved by the insurance commissioner in accordance with 33-1-501 and is delivered to the applicant at the time the application is made.

(2) The outline of coverage must include:

(a) a general description of the principal benefits and coverages provided by the policy;

(b) a general description of the insured's financial responsibility under the policy, including, if applicable, the amount of the deductible, the amount or percentage of copayment, and the maximum annual out-of-pocket expenses to be paid by the insured;

(c) a statement of the maximum lifetime benefit available under the policy;

(d) a statement of the estimated periodic premium to be paid by the insured;

(e) a general description of the factors or case characteristics that the insurer may consider in establishing or changing the premiums and, if applicable, in determining the insurability of the applicant;

(f) a description of any preauthorization or other preapproval requirements for medical care; *and*

(g) a prominently displayed statement of the insured's responsibility for payment of billed charges beyond those charges reimbursed by the insurer when the insured uses health care services from a health care provider who is outside a network of health care providers used by the insurer~~; and~~

~~(h) a general description of the trend of premium increases or decreases for comparable policies issued by the insurer during the preceding 5 years, if the trend data is available~~.

(3) The outline of coverage may include any other information that the insurer considers relevant to the applicant's selection of an appropriate individual disability policy.

(4) An insurer or producer shall provide to an individual, upon request, an outline of coverage for any health benefit product marketed to the general public. The outline of coverage provided under this subsection may exclude the statement of the estimated periodic premium to be paid by the insured.

(5) Prior to issuance of an individual disability insurance policy, written informational materials describing the policy's cancer screening coverages must be provided to a potential applicant. The informational materials are not subject to filing with and approval of the insurance commissioner."

Section 24. Section 33-22-521, MCA, is amended to read:

"**33-22-521. Disclosure standards -- group policy.** (1) In order to provide for full and fair disclosure in the sale of disability insurance, a group disability insurance policy may not be delivered or issued for delivery in this state unless an outline of coverage is filed with and approved by the insurance commissioner in accordance with 33-1-501 and is delivered to the applicant at the time the application is made.

(2) The outline of coverage must include:

(a) a general description of the principal benefits and coverages provided by the policy;

(b) a general description of the insured's financial responsibility under the policy, including, if applicable, the amount of the deductible, the amount or percentage of copayment, and the maximum annual out-of-pocket expenses to be paid by the insured;

(c) a statement of the maximum lifetime benefit available under the policy;

(d) a statement of the estimated periodic premium to be paid by the insured;

(e) a general description of the factors or case characteristics that the insurer may consider in establishing or changing the premiums and, if applicable, in determining the insurability of the applicant;

(f) a description of any preauthorization or other preapproval requirements for medical care; *and*

(g) a prominently displayed statement of the insured's responsibility for payment of billed charges beyond those charges reimbursed by the insurer when the insured uses health care services from a health care provider who is outside a network of health care providers used by the insurer~~; and~~

~~(h) a general description of the trend of premium increases or decreases for comparable policies issued by the insurer during the preceding 5 years, if the trend data is available~~.

(3) If applicable, the outline of coverage must disclose that the policy does not contain coverage for mental illness or chemical dependency.

(4) The outline of coverage may include any other information that the insurer considers relevant to the applicant's selection of an appropriate group disability policy.

(5) An insurer or producer shall provide to an individual, upon request, an outline of coverage for any health benefit product marketed to the general public. The outline of coverage provided under this subsection may exclude the statement of the estimated periodic premium to be paid by the insured.

(6) An outline of coverage must also be sent to an employee when an employee is sent a certificate of insurance.

(7) Prior to issuance of a group disability insurance policy, written informational materials describing the policy's cancer screening coverages must be provided to a prospective applicant. The informational materials are not subject to filing with and approval of the insurance commissioner."

Section 25. Section 33-22-906, MCA, is amended to read:

"**33-22-906. Loss ratio standards and filing requirements -- limits on compensation.** (1) Medicare supplement policies and certificates must return to policyholders or certificate holders benefits that are reasonable in relation to the premium charged. The commissioner shall adopt reasonable rules to establish minimum standards for loss ratios of medicare supplement policies and certificates on the basis of incurred claims experience or incurred health care expenses, where coverage is provided by a health maintenance organization on a service rather than reimbursement basis, and earned premiums for the entire period for which rates are computed to provide coverage and in accordance with accepted actuarial principles and practices. Every ~~entity~~ *issuer* providing medicare supplement insurance benefits to a resident of this state shall make premium adjustments:

(a) necessary to produce an expected loss ratio under the policy or certificate that meets the minimum loss ratio standards for medicare supplement policies and certificates as established by rule; and

(b) expected to result in a loss ratio at least as great as that originally anticipated by the ~~entity~~ *issuer* when it established current premiums for the medicare supplement policy or certificate.

(2) The commissioner shall by rule establish the timing and manner of the premium adjustments. Every ~~entity~~ *issuer* providing medicare supplement policies or certificates in this state shall annually file with the commissioner its rates, rating schedule, and supporting documentation demonstrating that it is in compliance with the applicable loss ratio standards of this part. An ~~entity~~ *issuer* transacting medicare supplement insurance in this state may not adjust its rates more than twice a year and may not adjust its rates for the first year a policy is in force, except to allow for changes in federal laws or regulations relating to medicare. Each filing of rates and rating schedules must demonstrate that the actual and expected losses in relation to premiums complies with the requirements of this part.

(3) An ~~entity~~ *issuer* may not provide compensation to its insurance producers that is greater than the renewal compensation that would be paid on an existing policy or certificate if:

(a) the existing policy or certificate were replaced by another policy or certificate with the same ~~insurer~~ *issuer* and the new benefits are substantially similar to the benefits under the old policy or certificate; and

(b) the old policy or certificate was issued by the same ~~insurer~~ *issuer* or insurance group."

Section 26. Section 33-22-907, MCA, is amended to read:

"**33-22-907. Disclosure standards -- informational brochure -- rules.** (1) In order to provide for full and fair disclosure in the sale of medicare supplement policies and certificates, a medicare supplement policy may not be delivered or issued for delivery in this state and a certificate may not be delivered pursuant to a group medicare supplement policy delivered or issued for delivery in this state unless an outline of coverage is delivered to the applicant at the time that application is made. The outline of coverage must be filed with the commissioner as required by 33-1-501. The filing must be made at least 60 days in advance of the date that the outline of coverage is delivered to any resident of this state.

(2) (a) The commissioner shall prescribe the format and content of the outline of coverage required by subsection (1).

(b) For purposes of this section, "format" means style, arrangements, and overall appearance, including such items as the size, color, and prominence of type and the arrangement of text and captions.

(c) The outline of coverage must include:

(i) a description of the principal benefits and coverage provided in the policy or certificate;

(ii) a statement of the exceptions, reductions, and limitations contained in the policy or certificate;

(iii) a statement of the renewal provisions, including any reservation by the issuer of a right to change premiums and disclosure of the existence of any automatic renewal premium increases based on the policyholder's or certificate holder's age;

(iv) a statement that the outline of coverage is a summary of the policy or certificate issued or applied for and that the policy or certificate should be consulted to determine governing contractual provisions.

(3) The commissioner may prescribe by rule a standard form and the contents of an informational brochure for persons eligible for medicare, which is intended to improve the buyer's ability to select the most appropriate coverage and to improve the buyer's understanding of medicare. Except in the case of direct response insurance policies, the commissioner may require by rule that the information brochure be provided to any prospective insureds eligible for medicare at the same time that the outline of coverage is delivered. With respect to direct response insurance policies, the commissioner may require by rule that the prescribed brochure be provided upon request, but not later than the time of policy delivery, to any prospective insureds eligible for medicare.

(4) The commissioner may adopt reasonable rules for captions or notice requirements, determined to be in the public interest and designed to inform prospective insureds that particular insurance coverages are not medicare supplement coverages, for all accident and sickness insurance policies sold to persons eligible for medicare, other than:

(a) medicare supplement policies or certificates; or

(b) disability income policies.

(5) The commissioner may further adopt reasonable rules to govern the full and fair disclosure of the information in connection with the replacement of accident and sickness policies or certificates by persons eligible for medicare.

(6) As soon as practicable, but no later than 30 days before the annual effective date of a medicare benefit change, every ~~entity~~ *issuer* providing medicare supplement insurance or benefits to a resident of this state shall notify its policyholders and certificate holders, in a format that the commissioner prescribes by rule, of the changes that it has made to the medicare supplement policy or certificate."

Section 27. Section 33-22-921, MCA, is amended to read:

"**33-22-921. Discontinuance or nonrenewal -- alternate policy or certificate -- same ~~insurer~~ *issuer*.** (1) If ~~a disability insurer~~ *an issuer* discontinues or does not renew a medicare supplement policy product or certificate and offers an alternate medicare supplement policy or certificate to its insureds within this state, it may not deny benefits under the replacing policy or certificate to an insured who receives treatment for a condition that was a covered expense under the replaced policy or certificate and is a covered expense under the replacing policy or certificate if the insured enrolls in and pays the premium for the replacing policy or certificate within 31 days after the termination of the replaced policy or certificate.

(2) ~~A disability insurer~~ *An issuer* who discontinues or does not renew a medicare supplement policy product or certificate and offers an alternate medicare supplement policy or certificate shall base its premium for the alternate policy or certificate on the rates currently in place for that policy or certificate.

(3) If the insured has not satisfied the preexisting condition limitation under the replaced medicare supplement policy or certificate, any period of time that was covered by that policy or certificate must be credited toward the preexisting condition limitation period of the replacing policy or certificate."

Section 28. Section 33-22-922, MCA, is amended to read:

"**33-22-922. Discontinuance or nonrenewal -- alternate policy -- unauthorized bulk reinsurance.** (1) Alternate medicare supplement coverage as provided in 33-22-921 must be offered to its insureds by ~~a disability insurer~~ *an issuer* that:

(a) bulk cedes its medicare supplement policy business to an insurer that does not meet the requirements of chapter 2;

(b) authorizes the bulk reinsurer to administer the medicare supplement policies on its behalf; and

(c) discontinues or does not renew a medicare supplement policy product.

(2) The premium for the alternate policy referred to in subsection (1) must be based on actuarially justified rates."

Section 29. Section 33-22-923, MCA, is amended to read:

"**33-22-923. Replacement policy or certificate -- different ~~insurer~~ *issuer*.** (1) If ~~a disability insurer~~ *an issuer* replaces a medicare supplement policy or certificate, it may not deny benefits under the replacing policy or certificate to an insured who receives treatment for a condition that was a covered expense under the replaced policy or certificate and is a covered expense under the replacing policy or certificate if the insured pays the premium for the replacing policy or certificate when due or within 31 days after the termination of the replaced policy or certificate.

(2) An ~~insurer~~ *issuer* who replaces a medicare supplement policy or certificate shall base its premium for the replacement policy or certificate on the rates currently in place for that policy or certificate.

(3) If the insured has not satisfied the preexisting condition limitation under the replaced medicare supplement policy or certificate, any period of time that was covered by that policy or certificate must be credited toward the preexisting condition limitation period of the replacing policy or certificate.

(4) To receive the benefits of subsections (1) through (3), a person shall submit to the replacing ~~insurer~~ *issuer* proof of prior coverage, evidence of benefits provided under the previous policy or certificate, and the effective date and the date of termination of coverage under the previous policy or certificate."

Section 30. Section 33-22-924, MCA, is amended to read:

"**33-22-924. Renewal requirement.** (1) If a person pays a renewal premium on the date it is due or within 31 days after it is due, an ~~insurer~~ *issuer* may not refuse to renew a medicare supplement policy or certificate unless the ~~insurer~~ *issuer*:

(a) refuses to renew all policies or certificates in this state that are of the same form and issued to persons of the same class; and

(b) offers a replacement policy or certificate at actuarially justified rates.

(2) If an ~~insurer~~ *issuer* refuses to renew all policies or certificates in this state that are of the same form and issued to persons of the same class, the policies or certificates will remain in force during the grace period stated in the replaced policy or certificate. An ~~insurer's~~ *issuer's* refusal to renew a policy or certificate may not affect a claim that arose under the discontinued policy or certificate during the period in which an insured was confined without interruption to a medical care facility for treatment."

Section 31. Section 33-32-211, MCA, is amended to read:

"**33-32-211. Procedures for standard utilization review and benefit determinations -- notices.** (1) A health insurance issuer shall establish

written procedures and clinical review criteria for conducting standard utilization reviews and making benefit determinations on requests for benefits submitted to the health insurance issuer by covered persons or their authorized representatives. The written procedures must also include provisions for notifying covered persons or, if applicable, their authorized representatives of the health insurance issuer's determinations with respect to these requests within the timeframes specified in this section.

(2) (a) Subject to subsection (2)(c), for prospective review determinations, a health insurance issuer shall make the determination and notify the covered person or, if applicable, the covered person's authorized representative of the determination, whether the health insurance issuer certifies the provision of the benefit or not, within a reasonable period of time appropriate to the covered person's medical condition. The notification must be made not later than 7 business days after the date the health insurance issuer receives the request or not later than 7 business days after the health insurance issuer receives all information under subsection (2)(d) necessary to make a determination.

(b) If the determination is an adverse determination, the health insurance issuer shall provide notification of the adverse determination in writing in accordance with subsection (8).

(c) The time period for making a determination and notifying the covered person or, if applicable, the covered person's authorized representative of the determination pursuant to subsection (2)(a) may be extended one time by the health insurance issuer for up to 7 business days if the health insurance issuer:

(i) determines that an extension is necessary due to matters beyond the health insurance issuer's control; and

(ii) notifies the covered person or, if applicable, the covered person's authorized representative, prior to the expiration of the initial 7-business-day period, of the circumstances requiring the extension of time and of the date by which the health insurance issuer expects to make a determination.

(d) If the extension under subsection (2)(c) is necessary because of the failure of the covered person or, if applicable, the covered person's authorized representative to submit information necessary to reach a determination on the request, the notice of extension must:

(i) describe specifically the required information necessary to complete the request; and

(ii) give the covered person or, if applicable, the covered person's authorized representative at least 45 days after the date of receipt of the notice to provide the specified information.

(3) (a) If the health insurance issuer receives from a covered person or, if applicable, the covered person's authorized representative a prospective review request that fails to meet the health insurance issuer's filing procedures, the health insurance issuer shall notify the covered person or, if applicable, the covered person's authorized representative of this failure and provide in the notice any information regarding the proper procedures to be followed for filing a request.

(b) The notice required under subsection (3)(a) must be provided as soon as possible but not later than 3 days after the date of the failure. The health insurance issuer may provide the notice orally or, if requested by the covered person or the covered person's authorized representative, in writing or electronically.

(c) To qualify for the provisions of this subsection (3) related to a failed filing procedure, the communication must:

(i) have been sent by a covered person or, if applicable, the covered person's authorized representative and received by a person or an organizational unit of the health insurance issuer responsible for handling benefit matters; and

(ii) refer to a specific covered person, a specific medical condition or symptom, and a specific health care service, treatment, or health care provider for which certification is being requested.

(4) For concurrent review determinations, if a health insurance issuer has certified an ongoing course of treatment to be provided over a period of time or a specified number of treatments:

(a) any reduction or termination by the health insurance issuer during the course of treatment before the end of the period or the specified number of treatments, other than by health plan amendment or termination of the health plan, constitutes an adverse determination; and

(b) the health insurance issuer shall notify the covered person or, if applicable, the covered person's authorized representative of the adverse determination in accordance with subsection (8) at a time sufficiently in advance of the reduction or termination to allow the covered person or, if applicable, the covered person's authorized representative to:

(i) file a grievance requesting a review of the adverse determination pursuant to Title 33, chapter 32, parts 3 and 4; and

(ii) obtain a determination with respect to the review of the adverse determination before the benefit is reduced or terminated.

(5) The health care service or treatment that is the subject of the adverse determination must be continued without liability to the covered person pending a determination under the internal review request made pursuant to Title 33, chapter 32, part 3.

(6) (a) For retrospective review determinations, a health insurance issuer shall make the determination no later than 30 days after the date of receiving the benefit request.

(b) If the determination is an adverse determination, the health insurance issuer shall provide notice of the adverse determination to the covered person or, if applicable, the covered person's authorized representative in accordance with subsection (8).

(c) The time period for making a determination and notifying the covered person or, if applicable, the covered person's authorized representative of the determination pursuant to subsection (6)(a) may be extended one time by the health insurance issuer for up to 15 days if the health insurance issuer:

(i) determines that an extension is necessary due to matters beyond the health insurance issuer's control; and

(ii) notifies the covered person or, if applicable, the covered person's authorized representative, prior to the expiration of the initial 30-day period, of the circumstances requiring the extension of time and of the date by which the health insurance issuer expects to make a determination.

(d) If the extension under subsection (6)(c) is necessary because of the failure of the covered person or, if applicable, the covered person's authorized representative to submit information necessary to reach a determination on the request, the notice of extension must:

(i) describe specifically the information required to complete the request; and

(ii) give the covered person or, if applicable, the covered person's authorized representative at least 45 days after the date of receipt of the notice to provide the specified information.

(e) A health insurance issuer is not liable for the payment of interest under 33-18-232(2) when the health insurance issuer timely complies with the requirements of this subsection (6).

(7) (a) For purposes of this section, the period within which a determination must be made begins on the date the request is received by the health insurance issuer in accordance with the health insurance issuer's procedures, established pursuant to 33-32-207, for filing a request. The date the request is received by the health insurance issuer must be counted without regard to whether all of the information necessary to make the determination accompanies the filing of the request.

(b) If the period for making the determination under this section is extended due to the failure of the covered person or, if applicable, the covered person's authorized representative to submit the information necessary to make the determination, the period for making the determination is counted from the date on which the health insurance issuer sends the notification of the extension to the covered person or, if applicable, the covered person's authorized representative until the earlier of:

(i) the date on which the covered person or, if applicable, the covered person's authorized representative responds to the request for additional information; or

(ii) the date on which the specified information was to have been submitted.

(c) If the covered person or, if applicable, the covered person's authorized representative fails to submit the information before the end of the extension period, as specified in this section, the health insurance issuer may deny the certification of the requested benefit.

(8) A notification of an adverse determination under this section must, in a manner calculated to be understood by the covered person or, if applicable, the covered person's authorized representative, set forth:

(a) information sufficient to identify the benefit request or claim involved and, if applicable, the date of service, the health care provider, and the claim amount;

(b) a statement describing the availability, upon request, of the diagnosis code and its corresponding meaning and the treatment code and its corresponding meaning. On receiving a request for a diagnosis or treatment code, the health insurance issuer shall provide the information to the covered person or, if applicable, the covered person's authorized representative as soon as practicable. A health insurance issuer may not consider a request for the diagnosis code and treatment information, in itself, to be a request to file a grievance for review of an adverse determination pursuant to Title 33, chapter 32, part 3, or a request for external review as outlined in Title 33, chapter 32, part 4.

(c) the specific rationale behind the adverse determination, including the denial code and its corresponding meaning, as well as a description of the health insurance issuer's standard, if any, that was used in denying the benefit request or claim;

(d) a reference to the specific plan provision on which the determination is based;

(e) a description of any additional material or information necessary for the covered person or, if applicable, the covered person's authorized representative to complete the benefit request, including an explanation of why the material or information is necessary to complete the request;

(f) a description of the health insurance issuer's grievance procedures established pursuant to Title 33, chapter 32, part 3, including any time limits applicable to those procedures;

(g) a copy of any internal rule, guideline, protocol, or other similar criteria that the health insurance issuer may have relied on to make the adverse determination. Alternatively, the health insurance issuer may provide a statement that a specific rule, guideline, protocol, or other similar criteria was relied on to make the adverse determination and that a copy of the rule, guideline, protocol, or other similar criteria will be provided free of charge to the covered person on request.

(h) an explanation of the scientific or clinical judgment for making the adverse determination if the adverse determination is based on a medical necessity or experimental or investigational treatment or similar exclusion or limit. Alternatively, the health insurance issuer may provide a statement that an explanation will be provided to the covered person free of charge on request. The explanation under this subsection (8)(h) must apply the terms of the health plan to the covered person's medical circumstances.

(i) a statement explaining the availability of further assistance from the commissioner's office and the right of the covered person or, if applicable, the covered person's authorized representative to contact the commissioner's office at any time for assistance or, on completion of the health insurance issuer's grievance procedure and the external review process as provided under Title 33, chapter 32, parts 3 and 4, to file a civil suit in a court of competent jurisdiction. The statement must include contact information for the commissioner's office.

(9) (a) A health insurance issuer shall provide the notice required under this section in a culturally and linguistically appropriate manner as required in accordance with federal regulations, including 45 CFR 147.136(e), and rules adopted pursuant to Title 33, chapter 32, part 3.

(b) To satisfy the provisions of subsection (9)(a), the health insurance issuer shall, at a minimum:

(i) provide oral language services, such as a telephone assistance hotline, that include answering questions in any applicable non-English language and providing assistance with filing benefit requests, claims, and appeals in any applicable non-English language;

(ii) provide, upon request, a notice in any applicable non-English language; and

(iii) include in the English version of the notice a prominently displayed statement in any applicable non-English language clearly indicating how to access the language services provided by the health insurance issuer.

(c) For purposes of this subsection (9), with respect to any United States county to which a notice is sent, a non-English language is an applicable non-English language if 10% or more of the population residing in the county is literate only in the same non-English language, as determined in federal guidance.

(10) If the adverse determination is a recission, the health insurance issuer shall provide, in addition to any applicable disclosures required under this section, in a notice sent at least 30 days in advance of implementing the rescission decision:

(a) clear identification of the alleged fraudulent act, practice, or omission or the intentional misrepresentation of material fact;

(b) an explanation of why the act, practice, or omission was fraudulent or was an intentional misrepresentation of a material fact;

(c) the date when the advance notice period ends and the date to which the coverage is to be retroactively rescinded;

(d) notice that the covered person or, if applicable, the covered person's authorized representative may immediately file a grievance with the health insurance issuer requesting a review of the rescission; and

(e) a description of the health insurance issuer's grievance procedures, including any time limits applicable to these procedures.

(11) A health insurance issuer may provide the notices required under this section in writing or electronically."

Section 32. Section 33-35-306, MCA, is amended to read:

"**33-35-306. Application of insurance code to arrangements.** (1) In addition to this chapter, self-funded multiple employer welfare arrangements are subject to the following provisions:

(a) 33-1-111;

(b) Title 33, chapter 1, part 4, but the examination of a self-funded multiple employer welfare arrangement is limited to those matters to which the arrangement is subject to regulation under this chapter;

(c) Title 33, chapter 1, part 7;

(d) Title 33, chapter 2, parts 23 and 24;

(e) 33-3-308;

(f) Title 33, chapter 7;

(g) Title 33, chapter 18, except 33-18-242;

(h) Title 33, chapter 19;

(i) 33-22-107, 33-22-114, 33-22-128, 33-22-129, 33-22-131, 33-22-134, 33-22-135, 33-22-138, 33-22-139, 33-22-141, 33-22-142, and 33-22-152 through 33-22-155;

~~(j) 33-22-316;~~

~~(k)~~*(j)* 33-22-512, 33-22-515, 33-22-525, and 33-22-526;

~~(l)~~*(k)* Title 33, chapter 22, parts 7 and 21; and

~~(m)~~*(l)* 33-22-707.

(2) Except as provided in this chapter, other provisions of Title 33 do not apply to a self-funded multiple employer welfare arrangement that has been issued a certificate of authority that has not been revoked."

Section 33. Directions to code commissioner. [Section 33-22-2104] is intended to be renumbered and codified as a new part in Title 53, chapter 6.

Section 34. Section 26, Chapter 501, Laws of 2021, is amended to read:

"**Section 26. Termination.** [Section 10(3)] terminates June 1, ~~2023~~ *2029*."

Section 35. Codification instruction. [Section 9] is intended to be codified as an integral part of Title 33, chapter 2, part 3, and the provisions of Title 33, chapter 2, part 3, apply to [section 9].

Section 36. Section 1, Chapter 259, Laws of 2023, is amended to read:

"S**ection 26. Termination.** [Section 10(3)] terminates June 1, ~~2023~~ ~~*2025*~~ *2029*."

Section 37. Effective dates. (1) Except as provided in subsection (2), this act is effective October 1, 2025.

(2) [Sections 34 and 36] and this section are effective on passage and approval.

Approved February 27, 2025

CHAPTER NO. 9

[HB 64]

AN ACT ELIMINATING THE SMALL BUSINESS COMPLIANCE ASSISTANCE ADVISORY COUNCIL FROM THE CLEAN AIR ACT OF MONTANA; REVISING THE DUTIES OF A SMALL BUSINESS STATIONARY

SOURCE REPRESENTATIVE; AMENDING SECTION 75-2-109, MCA; AND REPEALING SECTIONS 2-15-2110 AND 75-2-106 MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 75-2-109, MCA, is amended to read:

"**75-2-109. Small business stationary source representative -- duties.** (1) The department shall establish a small business stationary source representative position that is not located in a regulatory program of the department and not subject to direct supervision by a regulatory program of the department.

(2) The small business stationary source representative shall represent the interests of small business stationary sources before the department and other appropriate local, state, and federal agencies concerning the implementation and application of the requirements of this chapter. In addition, the representative shall provide assistance to small business stationary sources in meeting the requirements of this chapter. In carrying out these activities, the representative shall:

(a) monitor the activities of the small business stationary source technical and environmental compliance assistance program;

(b) review and provide comments and recommendations to the department, local air pollution control programs, *the environmental quality council, as appropriate,* and the appropriate federal agencies regarding the development and implementation of regulations pertaining to air quality that impact small business stationary sources;

(c) facilitate and promote the participation of small business stationary sources in the development of new regulations pertaining to air quality that impact small business stationary sources;

(d) assist in the preparation and dissemination of reports and other information regarding the applicability of the requirements of this chapter to small business stationary sources;

(e) assist in the preparation of guideline documents by the small business stationary source technical and environmental compliance assistance program to ensure that these documents are readily understandable by the lay person;

(f) assist small business stationary sources and their trade associations to encourage voluntary compliance with the requirements of this chapter;

(g) cooperate with appropriate local, state, and federal agencies and private sector financial institutions to assist small business stationary sources in locating financial assistance necessary for compliance with the requirements of this chapter;

(h) consult with ~~the small business compliance assistance advisory council~~ *small businesses and other stakeholders at regular intervals throughout the year* regarding problems faced by small business stationary sources concerning the implementation and application of the requirements of this chapter; and

(i) perform other duties as may be necessary to meet the requirements of the federal Clean Air Act, 42 U.S.C. 7401, et seq.

(3) Subject to Article II, section 9, of the Montana constitution, the small business stationary source representative may not provide information that the representative obtains from a small business stationary source to the department for use in any administrative or judicial action to enforce the requirements of this chapter, unless the information discloses a violation that constitutes an imminent and substantial danger to human health, safety, or the environment."

Section 2. Repealer. The following sections of the Montana Code Annotated are repealed:

2-15-2110. Small business compliance assistance advisory council.
75-2-106. Small business compliance assistance advisory council -- duties -- secretary -- meetings.

Approved February 27, 2025

CHAPTER NO. 10

[HB 203]

AN ACT PROVIDING FOR MONTANA MINING DAY.

WHEREAS, the state motto of Montana, adopted on February 9, 1865, is "oro y plata", which is Spanish for "gold and silver", and reflects our mining heritage and vast mineral wealth; and

WHEREAS, the Great Seal of the state of Montana is a vivid symbol of all that is special about our state and includes the state motto and a miner's pick and shovel; and

WHEREAS, the nickname of Montana is "the Treasure State", which was chosen because of the state's vast mineral resources; and

WHEREAS, gold was first discovered in Montana in the 1850s, leading to major finds at Bannack, Virginia City, Silver Bow Creek, and Prickly Pear Creek; and

WHEREAS, these major finds brought many of the first settlers and developers to Montana, leading to its early economic and societal growth and the discovery and development of many other deposits of metals and minerals, including coal, silver, and copper; and

WHEREAS, mining in Montana subsequently grew and supplied the nation with much of its mineral resource needs, including copper from Butte that was smelted in Anaconda and refined in Great Falls, and which powered the electrification of America and fueled the country's victorious efforts in both World Wars; and

WHEREAS, the mining of lignite and bituminous coal from eastern Montana coal beds heated homes and fired steam-powered locomotives in the early 20th century and continues to provide the largest share of Montana's electricity generation; and

WHEREAS, Montana's placer, underground, and surface mining employed thousands at hundreds of mines, producing billions in wealth; and

WHEREAS, the mining industry continues to contribute billions of dollars to Montana's economy, creating thousands of permanent jobs and millions of dollars in tax revenues to the state and local communities each year; and

WHEREAS, there have been thousands of miners who died in the early days of Montana mining, but whose deaths have led to world-leading safety and labor standards for workers today; and

WHEREAS, there have been historic environmental and social impacts from mining in Montana that have led to world-leading environmental regulations and financial assurances for the protection of our environment and communities; and

WHEREAS, the Montana Legislature authorized in 1893 the creation of the Montana State School of Mines in Butte, now known as Montana Technological University (Montana Tech), which continues to be one of the nation's leading schools in the science, technology, engineering, and math (STEM) and mining of natural resources today; and

WHEREAS, Montana continues to hold significant deposits of minerals, including those critical for our nation's current and future defense, economic and technological advancement, and energy transition and security; and

WHEREAS, our state is proud of its heritage, its present, and its future in mining and mineral processing and believes it is vital to promote and educate the public about the costs and benefits of responsible mining in Montana sufficiently and accurately.

Be it enacted by the Legislature of the State of Montana:

Section 1. Montana mining day. There is established a mining day for the state of Montana. The Montana mining day is February 9 of each year to commemorate when the territorial government adopted the state motto.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 1, chapter 1, part 2, and the provisions of Title 1, chapter 1, part 2, apply to [section 1].

Approved February 27, 2025

CHAPTER NO. 11

[SB 54]

AN ACT REVISING REQUIREMENTS FOR TAXES PAID BY ELECTRONIC FUNDS TRANSFER; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 15-1-802 AND 15-1-803, MCA; AND PROVIDING AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-1-802, MCA, is amended to read:

"**15-1-802. Taxes to be paid by electronic funds transfer -- limitation.** All taxes due the state must be paid by electronic funds transfer whenever the amount due is ~~$500,000~~ *$50,000* or greater. Whenever the payment of taxes is required to be made by electronic funds transfer under this section and the due date falls on a Saturday, Sunday, or legal holiday, the payment may be made on the first business day ~~thereafter~~ *after that day*."

Section 2. Section 15-1-803, MCA, is amended to read:

"**15-1-803. Rules.** The department shall adopt rules necessary to implement this part, including but not limited to rules:

(1) coordinating the filing of tax returns with the payment of taxes by electronic funds transfer; ~~and~~

(2) specifying the form and methods of acceptable electronic payments;

~~(2)~~*(3)* specifying the form and content of electronic funds transfer messages in order to ensure the proper receipt and crediting of the tax payment*; and*

(4) providing for an alternative form of payment when electronic payments required by 15-1-802 are not available to a taxpayer."

Section 3. Applicability. [This act] applies to taxes paid by electronic funds transfers after December 31, 2025.

Approved February 28, 2025

CHAPTER NO. 12

[SB 61]

AN ACT PROVIDING POLICY CONSIDERATIONS FOR MEASURING STREAMFLOW.

Be it enacted by the Legislature of the State of Montana:

Section 1. Policy considerations. (1) Article IX, section 3(3), of the Montana constitution declares that all surface, underground, flood, and

atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law.

(2) The legal appropriation of water requires that the water be legally and physically available for appropriation.

(3) The measurement and monitoring of streamflow supports the state's ability to determine when water is physically and legally available to meet new demands while protecting existing water rights.

(4) The effective management and distribution of water depends on an accurate, real-time measurement of streamflow.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 85, chapter 2, part 1, and the provisions of Title 85, chapter 2, part 1, apply to [section 1].

Approved February 28, 2025

CHAPTER NO. 13

[SB 76]

AN ACT REVISING LAWS RELATED TO PRELIMINARY DETERMINATIONS FOR A WATER RIGHT PERMIT OR CHANGE IN APPROPRIATION RIGHT APPLICATION; AMENDING SECTION 85-2-307, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 85-2-307, MCA, is amended to read:

"**85-2-307. (Temporary) Notice of receipt of application for permit or change in appropriation right -- draft preliminary determination -- extensions -- updated draft preliminary determination -- public comments -- issuance of preliminary determination.** (1) On receipt of an application for a permit or a change in appropriation right, the department shall publish notice of receipt of the application on the department's website. The notice must be updated on the website when an application is determined to be correct and complete.

(2) Within 60 days of receiving a correct and complete application if the applicant has completed a preapplication meeting ~~and the department has prepared the technical analyses~~ or within 120 days of receiving a correct and complete application if the ~~department has not prepared the technical analyses~~ *applicant has not completed a preapplication meeting*, the department:

(a) may meet with the applicant, the persons listed in subsection (4)(f), and persons who may claim standing pursuant to 85-2-308 to discuss the application;

(b) shall make a written draft preliminary determination as to whether or not the application satisfies the applicable criteria for issuance of a permit or change in appropriation right; and

(c) may include conditions in the written draft preliminary determination to satisfy applicable criteria for issuance of a permit or change in appropriation right.

(3) (a) An applicant has 15 business days from issuance of a draft preliminary determination to request an extension of time to submit additional information. The department may grant an extension of up to 180 days for the applicant to submit additional evidence. The department shall provide the applicant with written notice of the extension deadline.

(b) The department may revise its draft preliminary determination based on information received under subsection (3)(a). The department shall issue an updated draft preliminary determination within 60 days after the earliest date of:

(i) the extension deadline set pursuant to subsection (3)(a); or

(ii) the department's receipt of written notice from the applicant stating submittal of all additional information to the department is considered correct and complete.

(c) If the department's updated draft preliminary determination:

(i) is to deny the application, the department shall hold a hearing as provided in 85-2-310; or

(ii) is to grant the application or grant the application in modified form, the department shall provide notice of the opportunity to provide public comment pursuant to subsection (4).

(d) If the applicant does not request an extension of time, the department shall:

(i) provide notice of the draft preliminary determination to grant the application or grant the application in modified form and also provide notice of the opportunity to provide public comment pursuant to subsection (4); or

(ii) ~~adopt a draft preliminary determination to deny the application as the final determination~~ *issue a preliminary determination to deny the application and hold a hearing as provided in 85-2-310.*

(4) (a) The department shall prepare a notice of the opportunity to provide public comment on a draft preliminary determination or an updated draft preliminary determination issued for an application.

(b) The notice of the opportunity to provide public comment must:

(i) state that no more than 30 days after the date of publication, a person may file a public comment about the application with the department on a form provided by the department; and

(ii) contain facts pertinent to the application, including a summary of the draft preliminary determination and any conditions.

(c) The department shall publish the notice once in a newspaper of general circulation in the area of the source of the appropriation right and post the notice on the department website.

(d) A public comment must identify how one or more criteria for the issuance of a permit ~~of~~ *or* a change in appropriation right is not adequately addressed in a draft preliminary determination issued for the application. The department may adopt additional rules for public comments.

(e) A person has standing to file a public comment pursuant to this section if the property, water rights, or interests of the person would be adversely affected by the proposed appropriation.

(f) Before the date of publication of the notice of the opportunity to provide public comment, the department shall also serve the notice by first-class mail on:

(i) an appropriator of water or applicant for or holder of a permit who, according to the records of the department, may be affected by the proposed appropriation;

(ii) any purchaser under contract for deed, as defined in 70-20-115, of property that, according to the records of the department, may be affected by the proposed appropriation; and

(iii) any public agency that has reserved waters in the source under 85-2-316.

(g) The department may, in its discretion, also serve notice on any state agency or other person the department feels may be interested in or affected by the proposed appropriation.

(h) The department shall file in its records proof of service by affidavit of the publisher in the case of notice by publication and by its own affidavit in the case of service by mail.

(5) (a) Within 30 days after the ~~date of publication of the notice of the opportunity to provide~~ *close of the period to provide* public comment, the department shall consider the public comments, respond to the public comments, and issue a preliminary determination to grant the application, grant the application in modified form, or deny the application.

(b) If, after considering the public comments subject to subsection (5)(a), the department's preliminary determination is to:

(i) deny the application, the department shall hold a hearing as provided in 85-2-310; or

(ii) grant the application or grant the application in a modified form, a person may file an objection to an application pursuant to 85-2-308.

(c) If no public comments are received pursuant to subsection (4), the department's preliminary determination is adopted as the final determination. (Terminates June 30, 2031--sec. 9, Ch. 244, L. 2023.)

85-2-307. (Effective July 1, 2031) Notice of application for permit or change in appropriation right. (1) Upon receipt of an application for a permit or a change in appropriation right, the department shall publish notice of receipt of the application on the department's website.

(2) (a) Within 120 days of the receipt of a correct and complete application for a permit or change in appropriation right, the department:

(i) may meet informally with the applicant, the persons listed in subsection (2)(d), and persons who may claim standing pursuant to 85-2-308 to discuss the application;

(ii) shall make a written preliminary determination as to whether or not the application satisfies the applicable criteria for issuance of a permit or change in appropriation right; and

(iii) may include conditions in the written preliminary determination to satisfy applicable criteria for issuance of a permit or change in appropriation right.

(b) If the preliminary determination proposes to grant an application, the department shall prepare a notice containing the facts pertinent to the application, including the summary of the preliminary determination and any conditions, and shall publish the notice once in a newspaper of general circulation in the area of the source.

(c) If the preliminary determination proposes to deny an application, the process provided in 85-2-310 must be followed.

(d) Before the date of publication, the department shall also serve the notice by first-class mail upon:

(i) an appropriator of water or applicant for or holder of a permit who, according to the records of the department, may be affected by the proposed appropriation;

(ii) any purchaser under contract for deed, as defined in 70-20-115, of property that, according to the records of the department, may be affected by the proposed appropriation; and

(iii) any public agency that has reserved waters in the source under 85-2-316.

(e) The department may, in its discretion, also serve notice upon any state agency or other person the department feels may be interested in or affected by the proposed appropriation.

(f) The department shall file in its records proof of service by affidavit of the publisher in the case of notice by publication and by its own affidavit in the case of service by mail.

(3) The notice must state that by a date set by the department, not less than 15 days or more than 60 days after the date of publication, persons may file with the department written objections to the application."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved February 28, 2025

CHAPTER NO. 14

[HB 29]

AN ACT REVISING LAWS RELATED TO THE ADMINISTRATION OF PROPERTY EXEMPTIONS; REQUIRING THE DEPARTMENT OF REVENUE TO ESTABLISH A REVIEW PROCESS FOR EXEMPT PROPERTY; REQUIRING THE DEPARTMENT OF REVENUE TO MAINTAIN PUBLIC INFORMATION ABOUT EXEMPT PROPERTY; ESTABLISHING REPORTING REQUIREMENTS; AND PROVIDING RULEMAKING AUTHORITY.

Be it enacted by the Legislature of the State of Montana:

Section 1. Periodic review of exempt property -- rulemaking. (1) The department shall administer a program for the review of property that is exempt from taxation under Title 15, chapter 6, part 2, as provided in this section.

(2) The review process must provide for the review of all exempt property for which an application to the department is required at least once every 8 years.

(3) The department shall report to the revenue interim committee biennially in accordance with 5-11-210 information on exempt property reviewed during the biennium, including:

(a) the number of properties reviewed;

(b) the types of exemptions reviewed;

(c) the number of exemptions granted and denied; and

(d) the estimated market value and taxable value of exemptions granted and denied.

(4) The department may adopt rules to implement the exempt property review process provided for in this section.

Section 2. Public information on exempt property. (1) The department shall maintain public information about real property that is exempt from property taxation under Title 15, chapter 6, part 2, and for which an application to the department is required.

(2) The public information must include a map of tax-exempt parcels that is organized by county and type of exemption and include the following information:

(a) the county in which the exempt real property is located;

(b) the name of the owner or entity utilizing the exemption;

(c) the mailing address of the owner or entity utilizing the exemption;

(d) the exempt real property's legal description and total exempt area, including the square footage or acreage of the parcel and the square footage of any buildings;

(e) the property address of the exempt real property;

(f) the type of exemption; and

(g) any additional information considered relevant by the department.

Section 3. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 15, chapter 6, part 2, and the provisions of Title 15, chapter 6, part 2, apply to [sections 1 and 2].

Approved March 4, 2025

CHAPTER NO. 15

[HB 22]

AN ACT ALIGNING THE HOME VALUE AMOUNTS FOR SCHOOL DISTRICT PROPERTY TAX IMPACT STATEMENTS WITH OTHERS IN STATUTE; AND AMENDING SECTION 20-9-116, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 20-9-116, MCA, is amended to read:

"**20-9-116. (Temporary) Resolution of intent to increase nonvoted levy -- notice.** (1) The trustees of a school district shall adopt a resolution no later than March 31 of each fiscal year and provide notice pursuant to subsection (2) whenever the trustees intend to impose an increase in a nonvoted levy in the ensuing school fiscal year for the purposes of funding any of the funds listed below:

(a) the tuition fund under 20-5-324;

(b) the adult education fund under 20-7-705;

(c) the transportation fund under 20-10-143 and 20-10-144;

(d) the bus depreciation reserve fund under 20-10-147; and

(e) the flexibility fund established in 20-9-543 for the purposes in 20-7-1602.

(2) The trustees shall provide notice of intent to impose an increase in a nonvoted levy for the ensuing school fiscal year by:

(a) adopting a resolution of intent to impose an increase in a nonvoted levy that includes, at a minimum, the estimated number of increased or decreased mills to be imposed and the estimated increased or decreased revenue to be raised compared to nonvoted levies under subsections (1)(a) through (1)(e) imposed in the current school fiscal year and, based on the district's taxable valuation most recently certified by the department of revenue under 15-10-202, the estimated impacts of the increase or decrease on ~~a home valued at $100,000 and a home valued at $200,000~~ *homes valued at $100,000, $300,000, and $600,000*; and

(b) publishing in a newspaper that will give notice to the largest number of people of the district as determined by the trustees and posting to the school district's website:

(i) the resolution under subsection (2)(a); and

(ii) the resolution under 20-9-502(3)(a)(i) if adopted by the trustees. (Terminates June 30, 2027--sec. 7, Ch. 402, L. 2019.)

20-9-116. (Effective July 1, 2027) Resolution of intent to increase nonvoted levy -- notice. (1) The trustees of a school district shall adopt a resolution no later than June 1 in fiscal year 2017 only and no later than March 31 in fiscal year 2018 and subsequent fiscal years and provide notice pursuant to subsection (2) whenever the trustees intend to impose an increase in a nonvoted levy in the ensuing school fiscal year for the purposes of funding any of the funds listed below:

(a) the tuition fund under 20-5-324;

(b) the adult education fund under 20-7-705;

(c) the transportation fund under 20-10-143 and 20-10-144; and

(d) the bus depreciation reserve fund under 20-10-147.

(2) The trustees shall provide notice of intent to impose an increase in a nonvoted levy for the ensuing school fiscal year by:

(a) adopting a resolution of intent to impose an increase in a nonvoted levy that includes, at a minimum, the estimated number of increased or decreased mills to be imposed and the estimated increased or decreased revenue to be raised compared to nonvoted levies under subsections (1)(a) through (1)(d) imposed in the current school fiscal year and, based on the district's taxable valuation most recently certified by the department of revenue under 15-10-202, the estimated impacts of the increase or decrease on ~~a home valued at $100,000 and a home valued at $200,000~~ *homes valued at $100,000, $300,000, and $600,000*; and

(b) publishing in a newspaper that will give notice to the largest number of people of the district as determined by the trustees and posting to the school district's website:

(i) the resolution under subsection (2)(a); and

(ii) the resolution under 20-9-502(3)(a)(i) if adopted by the trustees."

Approved March 4, 2025

CHAPTER NO. 16

[HB 39]

AN ACT ALLOWING POLITICAL PARTIES TO CONTRIBUTE TO JUDICIAL CANDIDATES; AMENDING SECTIONS 3-10-201, 3-10-206, AND 13-37-211, MCA; AND REPEALING SECTION 13-35-231, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 3-10-201, MCA, is amended to read:

"**3-10-201. Election.** (1) Except as provided in 3-10-206, each justice of the peace must be elected by the qualified electors of the county at the general state election immediately preceding the expiration of the term of office of the justice of the peace's predecessor.

(2) A justice of the peace must be nominated and elected on the nonpartisan judicial ballot in the same manner as judges of the district court.

(3) Each judicial office must be a separate and independent office for election purposes, each office must be numbered by the county commissioners, and each candidate for justice of the peace shall specify the number of the office for which the candidate seeks to be elected. A candidate may not file for more than one office.

~~(4) Section 13-35-231, prohibiting political party contributions to judicial officers, applies to justices of the peace.~~"

Section 2. Section 3-10-206, MCA, is amended to read:

"**3-10-206. Vacancies.** Subject to the residency requirements provided in 3-10-204 and the election requirements provided in 3-10-201(2) ~~through (4)~~ *and (3)*, a vacancy in the office of a justice of the peace must be filled pursuant to 7-4-2206 until a successor is elected and qualified."

Section 3. Section 13-37-211, MCA, is amended to read:

"**13-37-211. Joint fundraising committee.** (1) (a) One or more candidates for a statewide office and political committees may join together to establish a joint fundraising committee to act as a fundraising representative

for all participants. A joint fundraising committee may not be construed to be a political committee.

(b) The participants in a joint fundraising committee may include only a candidate for statewide office, an independent committee, or a political party committee. Any combination of these entities may form a joint fundraising committee.

(c) The participants in a joint fundraising committee may not include an incidental committee, a ballot issue committee, a judicial candidate, or a political committee that is a corporation or a union.

(d) The joint fundraising committee may not be a participant in any other joint fundraising effort.

(e) A participant may participate in an unlimited amount of concurrent joint fundraising committees.

(f) A joint fundraising committee may not amend its list of participants after filing its certification and organizational statement as provided by 13-37-201.

(2) A joint fundraising committee shall:

(a) appoint a campaign treasurer and certify an organization statement pursuant to 13-37-201;

(b) designate one separate campaign depository as provided in 13-37-205 to be used solely for the receipt of all contributions received and the disbursement of all expenditures made by the joint fundraising committee; and

(c) keep records as provided by 13-37-207 and 13-37-208.

(3) The participants in a joint fundraising committee shall enter into a written agreement that states a formula for the allocation of fundraising proceeds. The formula must be stated as the amount or percentage of each contribution received to be allocated to each participant. The joint fundraising committee shall retain the written agreement for the same amount of time the campaign treasurer is required to retain accounts under 13-37-208(3) and shall make it available to the commissioner on request.

(4) Each solicitation for contributions to the joint fundraising committee must include a notice that includes the following information:

(a) the name of each participant in the joint fundraising committee;

(b) the allocation formula to be used for distributing joint fundraising proceeds;

(c) a statement informing contributors that, despite the state allocation formula, they may designate their contributions for particular participants;

(d) a statement informing contributors that the allocation formula may change if a contributor makes a contribution that would exceed the amount that a contributor may give to a participant or if a participant is otherwise prohibited from receiving the contribution; and

(e) if one or more participants engage in the joint fundraising activity solely to satisfy outstanding debts, a statement informing contributors that the allocation formula may change if a participant receives sufficient funds to pay its outstanding debts.

(5) (a) A joint fundraising committee may accept contributions on behalf of its participants under the provisions of the fundraising formula and may make expenditures on behalf of and to its participants under the limitations provided in this section.

(b) Except as provided by subsection (8), a joint fundraising committee may not accept a contribution that, when allocated pursuant to the joint fundraising committee's allocation formula in subsection (3), in addition to any other contributions received by the participant from that contributor, would be in excess of the contribution limits of that contributor calculated pursuant to this section. A participant may not accept contributions allocated from the joint

fundraising committee that, but for the joint fundraising committee acting as an intermediary, the participant could not otherwise accept.

(c) Contributions to the joint fundraising committee may only be deposited in the joint fundraising committee depository.

(d) The joint fundraising committee shall report and maintain records concerning contributions as provided by Title 13, chapter 37. The joint fundraising committee shall make its records available to each participant.

(e) A participant shall make the participant's contributor records available to the joint fundraising committee to enable the joint fundraising committee to carry out its duty to screen contributions pursuant to subsection (6)(a).

(6) (a) The joint fundraising committee shall screen all contributions received to ensure the prohibitions provided in Title 13, chapters 35 and 37, are followed.

(b) A corporation or a union prohibited from making a contribution to a candidate under 13-35-227(1) may make a contribution to a joint fundraising committee if one or more participants are not otherwise prohibited from receiving the contribution. A joint fundraising committee may not make an expenditure in contravention of 13-35-227(1), and a participant in a joint fundraising committee prohibited from accepting or receiving a contribution under 13-35-227(1) may not accept or receive such a contribution from a joint fundraising committee.

~~(c) A joint fundraising committee may not make an expenditure in contravention of 13-35-231 if a participant is a political party committee.~~

~~(d)~~*(c)* A joint fundraising committee may not act as an intermediary for contributions or expenditures by any entity, including participants, that is otherwise prohibited under Title 13, chapters 35 and 37.

(7) For reporting and limitation purposes:

(a) the joint fundraising committee shall report contributions in the reporting period in which they are received and expenditures in the reporting period in which they are made; and

(b) the date of receipt of a contribution by a participant is the date that the contribution is disbursed by the joint fundraising committee to the participant. However, the funds must be allocated to the general election or primary election cycle during which the joint fundraising committee received them.

(8) (a) Expenditures by the joint fundraising committee must be allocated to each participant in proportion to the formula in the written agreement provided for in subsection (3).

(b) If expenditures are made for fundraising costs, a participant may pay more than its proportionate share. However, the amount that is in excess of the participant's proportionate share may not exceed the amount that the participant could legally contribute to the remaining participants. A participant may only pay expenditures on behalf of another participant subject to the limits provided in 13-37-216.

(c) If distribution according to the fundraising formula extinguishes the debts of one or more participants and results in a surplus for those participants, or if distribution under the formula results in a violation of the contribution limits under 13-37-216, the joint fundraising committee may reallocate the excess funds. Reallocation must be based on the remaining participants' proportionate shares under the allocation formula. If reallocation results in a violation of a contributor's limit under 13-37-216, the joint fundraising committee shall return the amount of the contribution that exceeds the limit to the contributor. However, contributions that have been designated by a contributor may not be reallocated by the joint fundraising committee without prior written permission of the contributor. If the contributor does not give the

contributor's permission for reallocation, the funds must be returned to the contributor.

(9) The joint fundraising committee shall allocate total gross contributions received by the joint fundraising committee to the participants. The joint fundraising committee shall inform each participant of the participant's gross contribution total, make the joint fundraising committee's contribution and expenditure records available to each participant, and subject to the limitations provided in 13-37-216, and this section, pay fundraising expenses and distribute each participant's allocated net contributions.

(10) An independent committee may not be construed to violate the requirement that it is not controlled directly or indirectly by a candidate or that it may not coordinate with a candidate in connection with the making of expenditures as provided in 13-1-101 solely because:

(a) the independent committee participates in a joint fundraising committee; and

(b) the joint fundraising committee makes a total gross contribution to a candidate that is in excess of an individual independent committee's limits provided in 13-37-216 but that is not in excess of the remaining combined limit, if any, of all the entities within the joint fundraising committee.

(11) The joint fundraising committee is liable for its violations of the provisions of Title 13, chapters 35 and 37. In addition, each participant of a joint fundraising committee is severally liable for violations of the provisions of Title 13, chapters 35 and 37, pertaining to the contributions allocated or disbursed to the participant by the joint fundraising committee."

Section 4. Repealer. The following section of the Montana Code Annotated is repealed:

13-35-231. Unlawful for political party to contribute to judicial candidate.

Approved March 4, 2025

CHAPTER NO. 17

[HB 42]

AN ACT GENERALLY REVISING HIGHWAY AND TRANSPORTATION LAWS UNDER TITLE 60 AND RELATED STATUTES FOR CLARITY AND CONSISTENCY; UNIFYING SUBSTANTIVELY SIMILAR DEFINITIONS OF ABANDONMENT; REORGANIZING DEFINITIONS FOR CONFORMITY WITH THE BILL DRAFTING MANUAL; REORGANIZING TITLE 60, CHAPTER 4, PART 2; PROVIDING AND REVISING DEFINITIONS; AMENDING SECTIONS 7-14-2101, 7-14-2601, 22-3-1101, 60-1-103, 60-2-107, 60-2-112, 60-2-115, 60-2-134, 60-2-220, 60-2-240, 60-3-206, 60-3-211, 60-4-201, 60-4-202, 60-4-203, 60-4-209, 60-4-213, 60-4-214, 60-4-215, 60-4-216, 60-4-217, 60-4-218, 60-4-401, 60-4-601, 60-5-102, 60-6-106, AND 60-11-111, MCA; AND REPEALING SECTIONS 60-4-208 AND 60-11-112, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 7-14-2101, MCA, is amended to read:

"**7-14-2101. General powers of county relating to roads and bridges -- definitions.** (1) The board of county commissioners, under the limitations and restrictions that are prescribed by law, may:

(a) (i) lay out, maintain, control, and manage county roads and bridges within the county;

(ii) subject to 15-10-420, levy taxes for the laying out, maintenance, control, and management of the county roads and bridges within the county as provided by law;

(b) (i) in the exercise of sound discretion, jointly with other counties, lay out, maintain, control, manage, and improve county roads and bridges in adjacent counties, wholly or in part as agreed on between the boards of the counties concerned;

(ii) subject to 15-10-420, levy taxes for the laying out, maintenance, control, management, and improvement of county roads and bridges in adjacent counties or shared jointly with other counties, as agreed on between the boards of the counties concerned and as provided by law;

(c) (i) enter into agreements for adjusted annual contributions over not more than 6 years toward the cost of joint highway or bridge construction projects entered into in cooperation with other counties, the state, or the United States;

(ii) subject to 15-10-420, place a joint project in the budget and levy taxes for a joint project as provided by law.

(2) (a) Following a public hearing, a board of county commissioners may accept by resolution a road that has not previously been considered a county road but that has been laid out, constructed, and maintained with state department of transportation or county funds.

(b) A survey is not required of an existing county road that is accepted by resolution by a board of county commissioners.

(c) A road that is abandoned by the state may be designated as a county road upon the acceptance and approval by resolution of a board of county commissioners.

(d) A road on a final subdivision plat that is dedicated to public use is not considered a county road until the board of county commissioners approves by resolution the adoption of the road as a county road as provided in subsection (4)(b)(ii).

(3) The board of county commissioners may adopt regulations for unincorporated areas within a county governing:

(a) the assignment of numerical physical addresses except for roads under the jurisdiction of a federal, state, or tribal entity if that entity objects to the assignment; and

(b) the naming of roads except roads under the jurisdiction of a federal, state, or tribal entity unless that entity consents to the naming.

(4) Unless the context requires otherwise, for the purposes of this chapter~~,~~ the following definitions apply:

(a) "Bridge" includes rights-of-way or other interest in land, abutments, superstructures, piers, and approaches except dirt fills.

(b) "County road" means:

(i) a road that is petitioned by real property owners, approved by resolution, and opened by a board of county commissioners in accordance with this title;

(ii) a road that is dedicated for public use in the county and approved by resolution by a board of county commissioners;

(iii) a road that has been acquired by eminent domain pursuant to Title 70, chapter 30, and accepted by resolution as a county road by a board of county commissioners;

(iv) a road that has been gained by the county in an exchange with the state as provided ~~in 60-4-201~~ *[section 16]*; or

(v) a road that has been the subject of a request under 7-14-2622 and for which a legal route has been recognized by a district court as provided in 7-14-2622."

Section 2. Section 7-14-2601, MCA, is amended to read:

"**7-14-2601. Petition to establish, alter, or abandon a county road -- *definitions.*** (1) Any 10, or a majority, of the real property owners of a road district that is taxable for road purposes may petition the board in writing to open, establish, construct, change, abandon, or discontinue any county road in the district.

(2) When the road petitioned for is on the dividing line between two counties, the same procedure must be followed except that a copy of the petition must be presented to each board. The two boards shall act jointly.

(3) As used in this part, unless the context requires otherwise:

(a) "abandonment" ~~or "vacation" means cessation of the use of a right-of-way or easement or of activity on a right-of-way or easement with no intention to reclaim or use it again~~ *has the meaning provided in 60-1-103;*

(b) "board" means the board of county commissioners*; and*

(c) "vacation" has the meaning provided in 60-1-103."

Section 3. Section 22-3-1101, MCA, is amended to read:

"**22-3-1101. Tower Rock -- historic site.** (1) A 136-acre site that encompasses Tower Rock, a geologic structure listed in the national register of historic places on March 18, 2002, may not be sold or transferred to a nonstate entity and must remain intact as the property of the state of Montana to recognize the national and local historic significance of the Lewis and Clark expedition, whose members named the rock formation, according to notations in the July 16 and 17, 1805, journals of Meriwether Lewis.

(2) The department of transportation may transfer the land to another state agency, and the provisions of 60-4-201 through 60-4-203 *and [section 16]* do not apply. In any transfer of the site, the department of transportation may retain access rights where the site abuts interstate 15."

Section 4. Section 60-1-103, MCA, is amended to read:

"**60-1-103. General definitions.** Subject to additional definitions contained in this title that are applicable to specific chapters or sections and unless the context otherwise requires, in this title~~,~~ the following definitions apply:

(1) "Abandonment" ~~means cessation of use of right-of-way or an easement or cessation of activity on the right-of-way or easement with no intention to reclaim or use again. Abandonment is sometimes called vacation~~ *or "vacation" means cessation of the use of a right-of-way or easement or of activity on a right-of-way or easement with no intention to reclaim or use the right-of-way or easement again*.

(2) "Bridge" means any bridge constructed by the department, together with all appurtenances, additions, alterations, improvements, and replacements and the approaches to the bridge, lands used in connection with the bridge, and improvements incidental or integral to the bridge.

(3) "Commission" means the transportation commission provided for in 2-15-2502.

(4) "Commission-designated highway systems" means the following as defined in this section:

(a) national highway system;

(b) primary highway system;

(c) secondary highway system; and

(d) urban highway system.

(5) "Condemnation" means taking by exercise of the right of eminent domain, as provided in Title 70, chapter 30, and chapter 4 of this title.

(6) "Construction" means supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway,

including locating, surveying, mapping, and costs of right-of-way or other interests in land and elimination of hazards at railway grade crossings.

(7) "Control of access" means the condition in which the right of owners or occupants of abutting land or other persons to access, light, air, or view in connection with a highway is fully or partially controlled by public authority.

(8) "County road" means any public highway opened, established, constructed, maintained, abandoned, or discontinued by a county in accordance with Title 7, chapter 14.

(9) "Department" means the department of transportation provided for in Title 2, chapter 15, part 25.

(10) "Director" means the director of transportation, a position provided for in 2-15-2501.

(11) "Easement" means a right acquired by public authority to use or control property for a designated purpose.

(12) "Eminent domain" means the right of the state to take private property for public use.

(13) "Federal-aid highway funds" means those funds available for expenditure by the department pursuant to Title 23, U.S.C., or other federally available funds for highways.

(14) "Fee simple" means an absolute estate or ownership in property, including unlimited power of alienation.

(15) "Financial district" means a transportation commission district established in 2-15-2502.

(16) "Highway" includes rights-of-way or other interests in land, embankments, retaining walls, culverts, sluices, drainage structures, bridges, railroad-highway crossings, tunnels, signs, guardrails, and protective structures.

(17) "Highway", "road", and "street", whether the terms appear together or separately or are preceded by the adjective "public", are general terms denoting a public way for purposes of vehicular travel and include the entire area within the right-of-way.

(18) "Highway authority" means the entity at any level of government authorized by law to construct and maintain highways.

(19) "Interstate highway" means a highway that is part of the Dwight D. Eisenhower system of interstate and defense highways described in Title 23, U.S.C., and is a subcomponent of the national highway system.

(20) "Maintenance" means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and traffic control devices that are necessary for the safe and efficient use of the highway.

(21) "National highway system" means that system of public highways designated by the commission and approved by the secretary of transportation, as provided in Title 23, U.S.C., including interstate highways.

(22) "Primary highway system" means those highways that have been functionally classified, in accordance with federal requirements, as either principal or minor arterials and designated by the commission as being on the primary highway system.

(23) "Public highways" means all streets, roads, highways, bridges, and related structures:

(a) built and maintained with appropriated funds of the United States or the state or any political subdivision of the state;

(b) dedicated to public use;

(c) acquired by eminent domain, as provided in Title 70, chapter 30, and chapter 4 of this title; or

(d) acquired by adverse use by the public, with jurisdiction having been assumed by the state or any political subdivision of the state.

(24) "Right-of-way" is a general term denoting land, property, or any interest in land or property, usually in a strip, acquired for or devoted to highway purposes.

(25) "Scenic-historic byway" means a public road or segment of a public road that has been designated as a scenic-historic byway by the commission, as provided in 60-2-601.

(26) "Secondary highway system" means those highways that are outside department-designated urban boundaries and that have been functionally classified, in accordance with federal requirements, as either minor arterials or major collectors and designated by the commission, in cooperation with the boards of county commissioners, as being on the secondary highway system.

(27) "State highways" means the highways throughout the state that are not located on a commission-designated highway system but that are on the state maintenance system.

(28) "Urban highway system" means the highways and streets that are in and near incorporated cities with populations of over 5,000 and within urban boundaries established by the department and that are functionally classified, in accordance with federal requirements, as either arterials or major collectors and designated by the commission, in cooperation with local government authorities, as being on the urban highway system."

Section 5. Section 60-2-107, MCA, is amended to read:

"**60-2-107. Abandonment of highways -- *discontinuance of maintenance* -- exchange of roadways -- public notice required.** (1) ~~Except as provided in 60-4-213 through 60-4-218, the~~ *The* commission may abandon highways on the commission-designated highway systems and state highways *pursuant to 60-4-209*.

(2) ~~Except as provided in 60-4-213 through 60-4-218, before~~ *Before* abandoning or discontinuing maintenance on a highway, the commission shall hold a public hearing in the county or counties affected by the abandonment. The commission may elect to offer to transfer the liability for and the maintenance of a highway to another agency or agencies that may in turn elect to take responsibility for the highway. The commission shall notify the board of county commissioners *and the governing body of any municipality affected by the abandonment* in writing of its intent to abandon a highway and hold a public hearing. The commission shall publish for 3 consecutive weeks in local newspapers within the county the notice of abandonment and public hearing.

(3) ~~Except as provided in 60-4-213 through 60-4-218, the~~ *The* commission may enter into an agreement with a unit of local government, on mutually beneficial terms, to exchange property interests or responsibilities, including maintenance, on any portion of a commission-designated highway system or state highway and on any portion of a county road or city street.

(4) The commission may not abandon a highway, road, or right-of-way used to provide existing legal access to public land or waters, including access for public recreational use as defined in 23-2-301 and as permitted in 23-2-302, unless another highway, road, or right-of-way provides substantially the same access.

(5) The commission may not abandon a highway, road, or right-of-way used to access private land if the access benefits two or more landowners unless all the landowners agree to the abandonment."

Section 6. Section 60-2-112, MCA, is amended to read:

"**60-2-112. Competitive bidding -- reciprocity -- *definition*.** (1) Except as provided in subsections (2) through (6), if the estimated cost of any

work exceeds $50,000, the commission shall award the contract by competitive bidding to the lowest responsible and responsive bidder. The award must be made upon the notice and terms that the commission prescribes by its rules. However, except when prohibited by federal law, the commission shall make awards and contracts in accordance with 18-1-102.

(2) The commission may award a contract by means other than competitive bidding if it determines that special circumstances so require. The commission shall specify the special circumstances in writing.

(3) The commission may enter into contracts with units of local government for the construction of projects without competitive bidding if it finds that the work can be accomplished at lower total costs, including total costs of labor, materials, supplies, equipment usage, engineering, supervision, clerical and accounting services, administrative costs, and reasonable estimates of other costs attributable to the project.

(4) The commission may delegate to the department the authority to enter, without competitive bidding, agreed-upon price contracts for projects costing $50,000 or less.

(5) The commission may award a design-build contract under the design-build contracting program if the provisions of 60-2-137 have been met. The commission may also award a contract using an alternative project delivery method under 60-2-120.

(6) The commission or the department may not enter into a contract for a state-funded highway project or a construction project with a bidder whose operations are not headquartered in the United States unless:

(a) the foreign country, or province or other political subdivision of that country, in which the bidder is headquartered affords companies based in the United States open, fair, and nondiscriminatory access to bidding on highway projects and construction projects located in the foreign country, or province or other political subdivision of that country; and

(b) the department has entered into a reciprocity agreement with or has exchanged letters of information with the foreign country, or province or other political subdivision of that country, that addresses:

(i) the equal and fair treatment of bids originating in the United States and in the foreign country, or province or other political subdivision of that country;

(ii) specific ownership requirements and tax policies in the United States and in the foreign country, or province or other political subdivision of that country, that may result in the unequal treatment of all bids received, regardless of their origin;

(iii) the means by which contractors from both the United States and the foreign country, or province or other political subdivision of that country, are notified of highway projects and construction projects available for bid; and

(iv) any other differences in public policy or procedure that may result in the unequal treatment of bids originating in the United States or in the foreign country, or province or other political subdivision of that country, for projects located in either the United States or the foreign country, or province or other political subdivision of that country.

(7) ~~For the purposes of~~ *As used in* subsection (6), "construction" has the meaning provided in 18-2-101."

Section 7. Section 60-2-115, MCA, is amended to read:

"**60-2-115. Contract let by commission -- time for final payment of contract price -- interest -- *definitions.*** (1) Subject to subsections (2) through (4), the department shall comply with the 30-day time period for payment of contracts as provided in 18-2-306 for all contracts let by the commission in accordance with this part.

(2) For the final payment on a contract, the department shall, within 30 days after a request by the contractor for final acceptance, perform an inspection of the project and notify the contractor of whether the department has granted or refused final acceptance.

(3) If the department notifies the contractor that the department has granted final acceptance, the department shall make the final payment of the contract price specified in the contract to the other party to the contract within 90 days after the notice.

(4) (a) If the department notifies the contractor that the department has refused final acceptance, the department shall include with the notice a list of all deficiencies that must be cured before the department will grant final acceptance.

(b) After the contractor has cured all of the deficiencies, the contractor shall request final acceptance by the department. Within 30 days after the contractor's request, the department shall perform an inspection of all of the cured deficiencies.

(c) If the department notifies the contractor of its final acceptance, the department shall make the final payment as provided in subsection (3).

(d) If the department notifies the contractor that the department has refused final acceptance, the department shall:

(i) notify the contractor of any remaining deficiencies; and

(ii) grant final acceptance, subject to any remedy provided under the provisions of Title 28, chapter 2.

(5) When the department grants final acceptance, the department shall immediately consider the contract complete and close the contract.

(6) ~~For the purposes of~~ *As used in* this section, the following definitions apply:

(a) "Final acceptance" means the department's acceptance of the construction, maintenance, or public works project upon certification by the architect, project engineer, or other representative of the department of final completion of the project.

(b) "Final completion" means that the project has been completed in accordance with the terms and conditions of the contract documents and all warranties have expired."

Section 8. Section 60-2-134, MCA, is amended to read:

"**60-2-134. Definitions.** ~~For the purposes of~~ *As used in* 18-8-204, 18-8-205, 60-2-111, 60-2-112, 60-2-120, 60-2-137, and this section, the following definitions apply:

(1) (a) "Alternative project delivery method" means a process approved by the commission and recognized by the U.S. department of transportation, federal highway administration, for federal participation under the United States Code and federal regulations.

(b) The term does not include a design-build contract awarded by the commission under 60-2-111(3).

(2) "Design-build contracting" means the process of entering into a single contract between the commission and a design-build contractor in which the design-build contractor agrees to design and build a highway, structure, or facility or any other items required in a request for proposals.

(3) "Design-build contractor" means an individual, partnership, corporation, joint venture, or other legally recognized entity that is appropriately licensed in Montana and that provides the necessary design and construction services, including contract administration.

(4) "Design-build or alternative project delivery criteria package" means the document provided by the department that contains the information

necessary to guide a prospective design-build contractor in the preparation and submission of a proposal for a design-build or alternative project delivery project.

(5) "Request for proposals" means a part of the design-build or alternative project delivery criteria package that contains a detailed scope of work, including design concepts, technical requirements and specifications, the time allowed for design and construction, the department's estimated cost of the project, the deadline for submitting a proposal, the selection criteria, and a copy of the contract.

(6) "Request for qualifications" means a part of the design-build or alternative project delivery criteria package that contains the desired minimum qualifications of the design-build or alternative project delivery contractor, a scope of work statement, the project requirements, the amount of reimbursement that the commission has determined will be paid to prospective contractors who qualify for the short list but are not awarded a contract, if applicable, and the selection criteria that the department will use in compiling the short list of prospective design-build contractors to consider."

Section 9. Section 60-2-220, MCA, is amended to read:

"**60-2-220. Cultural heritage areas -- signs -- location and design -- funding.** (1) Cultural heritage areas are established:

(a) encompassing Silver Bow County and Deer Lodge County;

(b) encompassing Miles City.

(2) Subject to the provisions of federal law, the department shall, as funds are available under subsection (4), erect and maintain at specified locations on the primary and interstate highways in the appropriate areas signs identifying those areas as cultural heritage areas.

(3) The consolidated governments of Butte-Silver Bow and Anaconda-Deer Lodge and the city of Miles City shall design the signs and designate the general locations for the signs. The department shall determine the exact location of each sign.

(4) The department may accept money from other state agencies, federal agencies, local governments, or private persons for the purposes of subsections (2) and (3) and may expend the money received for those purposes.

~~(5) As used in this section, "department" means the department of transportation provided for in 2- 15-2501.~~"

Section 10. Section 60-2-240, MCA, is amended to read:

"**60-2-240. Use of postconsumer recycled materials in highway construction projects -- *definition*.** (1) The department shall use postconsumer recycled material in federal and state highway construction projects, including but not limited to use as:

(a) roadway fill material;

(b) roadway aggregates;

(c) bedding material;

(d) foundation material; and

(e) filter material.

(2) The department shall take procedural steps to provide for the incorporation of postconsumer recycled material into a highway project to ensure that:

(a) road construction projects use postconsumer recycled material when the cost is less than or equal to the cost of other materials used for the same purpose; and

(b) engineering standards demonstrate the acceptable use of postconsumer recycled material for a project.

(3) ~~For the purposes of~~ *As used in* this section, "postconsumer recycled material" means recycled glass processed into glass cullet, reclaimed asphalt and concrete, and recycled tires."

Section 11. Section 60-3-206, MCA, is amended to read:

"**60-3-206. Apportionment of funds to secondary highway system -- *definitions.*** (1) Each fiscal year the department shall apportion at least 65% of the federal-aid highway funds allocated for the secondary highway system among the districts for capital construction needs. The remainder of the funds must be used by the department for secondary highway system pavement preservation. The proportion that each district receives is computed on the following basis:

(a) 30% in the ratio of land area in each district to the total land area in the state;

(b) 35% in the ratio of the rural population in each district to the total rural population in the state;

(c) 30% in the ratio of the rural road mileage in each district to the total rural road mileage in the state; *and*

(d) 5% in the ratio of the rural bridge square footage in each district to the total rural bridge square footage in the state.

(2) To the extent necessary to permit orderly programming and construction of projects, obligations in a district may exceed the amount apportioned to that district if a majority of the boards of county commissioners of the counties in another district approve the donation of the extra amount. The amount of excess obligations must be deducted from future apportionments to that recipient district and returned to the donor district.

(3) ~~For the purposes of~~ *As used in* this section, ~~terms are defined as follows~~ *the following definitions apply*:

(a) "Capital construction" means a highway or bridge project undertaken to improve structural strength, increase capacity, or eliminate hazardous design features. A capital construction project may include paved or gravel road reconstruction and rehabilitation.

(b) "District" means the transportation commission districts identified in 2-15-2502.

(c) "Pavement preservation" means a project undertaken to extend the useful life of a paved road.

(d) "Rural bridge square footage" means the total square footage of all deck areas of structures 20 feet long or longer located on the roadways that are used to calculate rural road mileage as provided in subsection (3)(f).

(e) "Rural population" means the total population of all of the counties in a district as reported in the latest decennial federal census less the population in cities over 5,000 persons and their unincorporated fringe urban areas as determined by the department, using the latest decennial federal census.

(f) (i) "Rural road mileage" means all road mileage on roads functionally classified and approved by the transportation commission as major collectors or minor arterials, exclusive of road mileage on the primary highway system.

(ii) Road mileage within national parks or road mileage that lies within incorporated cities over 5,000 persons and their unincorporated fringe urban areas, whose population is determined by the department, using the latest decennial federal census, is not considered rural road mileage.

(iii) Rural road mileage reported by the road inventory of the department must be used in determining rural road mileage.

(4) For the purpose of determining secondary highway capital construction priorities within a district, each board of county commissioners in a district has one vote and the department has two votes. An existing paved secondary

highway may not be converted to a graveled surface without the concurrence of the board of county commissioners in the county where the road is located."

Section 12. Section 60-3-211, MCA, is amended to read:

"**60-3-211. Apportionment of state funds to urban highway system -- *definition*.** (1) Each fiscal year, the department shall apportion the federal-aid highway funds allocated for the urban highway system to the urban areas in the state as delineated and reported in the latest federal census with populations of 5,000 or more in the ratio of urban population in each urban area to the total urban population in all urban areas in the state.

(2) To the extent necessary to permit orderly programming and construction of projects, obligations in any urban area may exceed the amount apportioned to that urban area. The amount of any excess obligations must be deducted from future apportionments to that urban area.

~~(2)~~*(3)* ~~For the purpose of~~ *As used in* this section, "urban population" is defined as population within the urban area, as reported in the latest federal census, with a population of 5,000 or more and that population within the adjusted and federal highway administration-approved fringe areas based on the latest federal census.

~~(3) To the extent necessary to permit orderly programming and construction of projects, obligations in any urban area may exceed the amount apportioned to that urban area. The amount of any excess obligations must be deducted from future apportionments to that urban area.~~"

Section 13. Section 60-4-201, MCA, is amended to read:

"**60-4-201. ~~Exchange of interest in real~~ *Abandonment by transportation commission -- disposition of unnecessary highway* property *by department -- definitions.*** (1) *A commission-designated highway system or state highway, once established, must continue until it is abandoned or vacated by operation of law, by judgment of a court of competent jurisdiction, or by a proper order of the commission.*

(2) An interest in real property acquired for the purpose of establishing a highway may be disposed of by abandonment pursuant to 60-4-209.

(3) A right-of-way may be disposed of by right-of-way abandonment as defined in subsection (5) of this section and as provided for in 60-4-213 through 60-4-218.

(4) The department may dispose of unnecessary highway property by:

(a) sale, as provided in 60-4-202 through 60-4-207; or

(b) exchange, as provided in 60-2-107.

(5) As used in this part, the following definitions apply:

(a) "Right-of-way abandonment" means cessation of the use of a right-of-way or of activity on a right-of-way with no intention to reclaim or use the right-of-way again.

(b) "Unnecessary highway property" means ~~The department may determine that~~ an interest in real property, however acquired by ~~it,~~ *the department, that the department has determined* is no longer necessary to the laying out, altering, construction, improvement, or maintenance of a highway. ~~Except as provided in 60-4-213 through 60-4-218, the department may then exchange the interest, either as entire or partial consideration, for any other interest in real property needed for highway purposes. The department may establish the manner and terms and conditions for the exchange.~~

~~(2) Except as provided in 60-4-213 through 60-4-218, prior to making the exchange, the department shall notify all landowners whose property is adjacent to the land proposed for exchange. If any of the landowners are interested in buying the land proposed for exchange, the landowners shall notify the department of their interest by registered letter within 30 days of~~

~~the receipt of the notice of exchange from the department. Upon receipt of a notice of interest, the department shall offer the land proposed for exchange for sale as provided in 60-4-202 and 60-4-203.~~

~~(3) The department may enter into an arrangement for exchange solely with a municipality or county for an interest in real property that is a public right-of-way used for transportation purposes. The department may transfer the interest to the municipality or county in exchange for the municipality or county assuming full interest and maintenance authority upon the following conditions:~~

~~(a) the real property must be maintained as a public right-of-way for transportation purposes; and~~

~~(b) no portion of the interest may be sold to or exchanged with private entities.~~"

Section 14. Section 60-4-202, MCA, is amended to read:

"**60-4-202. Sale of interest in real property.** (1) The department may sell ~~an interest in real property if the department determines that the property is not necessary to the laying out, altering, construction, improvement, or maintenance of a highway~~ *unnecessary highway property*. Except as provided in 60-4-213 through 60-4-218 and subsection (2) of this section, if the interest is reasonably of a value in excess of $10,000, sale must be made to the highest bidder at public auction. The sale of an interest at auction must be conducted as provided in 60-4-203.

(2) (a) The department may sell an interest in real property without a public auction directly to:

(i) a federal, state, tribal, or local government;

(ii) an agency of government;

(iii) a school district; or

(iv) a unit of the Montana university system.

(b) The department shall obtain fair market value for the property.

(3) ~~Except as provided in 60-4-213 through 60-4-218, before~~ *Before* the department sells ~~an interest in real property~~ *unnecessary highway property* as provided in subsection (2), the department shall notify all landowners whose property is adjacent to the land proposed for sale. If any of the landowners are interested in buying the land proposed for sale, the landowners shall notify the department of their interest by registered letter within 30 days of the receipt of the notice of sale from the department. Upon receipt of a notice of interest, the department shall offer the land for sale as provided in 60-4-203 and this section."

Section 15. Section 60-4-203, MCA, is amended to read:

"**60-4-203. Conduct of sale.** (1) ~~Except as provided in 60-4-213 through 60-4-218~~ *To sell unnecessary highway property pursuant to 60-4-202*, the department shall publish notice of the sale once a week for 4 successive weeks in a newspaper published in the county in which the interest is located and on the department's website. The sale may be held in person in the county where the property is located or through an online auction.

(2) The notice of sale must contain:

(a) the day, date, and time of the beginning of the sale;

(b) a list of all the tracts to be offered for sale with the legal description, which includes the township and range, section number, and subdivision, or reference to the block and lot if surveyed;

(c) the number of acres in unplatted lands;

(d) the appraised value per acre and the appraised value of each lot;

(e) a quarter section listing of nonirrigable farm lands, with grazing lands listed in larger tracts not exceeding one section;

(f) a consecutive series of sales numbers for advertised tracts, if appropriate; and

(g) the terms and conditions of the sale and any additional information the department considers useful.

(3) ~~Except as provided in 60-4-213 through 60-4-218, before~~ *Before* the sale of an interest having a value in excess of $10,000, the department must have the interest appraised at a price representing a fair market value. The appraised value must be stated in the published notice.

(4) ~~Except as provided in 60-4-213 through 60-4-218, a~~ *A* sale of an interest may not be made unless it has been appraised within 6 months prior to the date of the sale. A sale may not be made for less than 90% of the appraised value.

(5) ~~Except as provided in 60-4-213 through 60-4-218, title~~ *Title* to an interest may not pass from the state until the purchaser has paid the full amount of the purchase price into the state treasury to the credit of the department."

Section 16. Exchange of unnecessary highway property. (1) The department may exchange unnecessary highway property, either as entire or partial consideration, for any other interest in real property needed for highway purposes. The department may establish the manner of the exchange and the terms and conditions for it.

(2) Before making the exchange, the department shall notify all landowners whose property is adjacent to the land proposed for exchange. If any of the landowners are interested in buying the land proposed for exchange, the landowners shall notify the department of their interest by registered letter within 30 days of the receipt of the notice of exchange from the department. Upon receipt of a notice of interest, the department shall offer the land proposed for exchange for sale as provided in 60-4-202 and 60-4-203.

(3) The department may enter into an arrangement for exchange solely with a municipality or county for an interest in real property that is a public right-of-way used for transportation purposes. The department may transfer the interest to the municipality or county in exchange for the municipality or county assuming full interest and maintenance authority under the following conditions:

(a) the real property must be maintained as a public right-of-way for transportation purposes; and

(b) no portion of the interest may be sold to or exchanged with private entities.

Section 17. Section 60-4-209, MCA, is amended to read:

"**60-4-209. Abandoned highway property -- title vests in contiguous owner.** (1) ~~Except as provided in 60-4-213 through 60-4-218, upon~~ *Following* abandonment by the state in the manner provided in *60-2-107 and* subsection (2) *of this section* of an interest in real property acquired for the purpose of ~~establishment of~~ *establishing* a highway, the owner of contiguous real property or the owner's successor in interest is vested with the abandoned interest to the extent provided in subsection (3) *of this section*.

(2) For the purposes of this section:

(a) a fee simple interest may be abandoned only by the proper order of the commission; and

(b) an interest of less than fee simple may be abandoned in the manner provided in subsection (2)(a), by operation of law, and by judgment of a court of competent jurisdiction.

(3) ~~Except as provided in 60-4-213 through 60-4-218, the~~ *The* interest acquired by the contiguous property owner under subsection (1) is the abandoned interest or portion of the interest:

(a) if there are different contiguous property owners on each side of the abandoned interest, bounded on one side by the contiguous property and on the remaining two opposite sides by lines following the shortest distance from the extreme ends of the contiguous property abutting upon the abandoned interest to the center of the abandoned interest; and

(b) if the owners of the contiguous property on each side of the abandoned interest are the same, bounded on two opposite sides by the contiguous properties and on the two remaining opposite sides by lines following the shortest distance from the extreme ends of the contiguous property on one side of the abandoned interest to the extreme ends of the contiguous property on the other side of the abandoned interest.

(4) For the ~~purpose~~ *purposes* of this section, an interest in property abandoned by a proper order of the commission includes an interest in property that the commission determines to be unnecessary to the laying out, altering, construction, improvement, or maintenance of a highway, whether or not the commission determines to sell the interest.

(5) ~~Except as provided in 60-4-213 through 60-4-218, the~~ *The* interest acquired by a contiguous property owner under subsection (3) is conditioned ~~upon~~ *on* the use of the property for agricultural or noncommercial purposes. If the property is used for commercial purposes or for purposes of future subdivision or other similar development, the property must revert to the state for sale pursuant to this part. This restriction applies to all subsequent holders of title to the property.

(6) This section does not provide for abandonment of only a portion of a right-of-way or for abandonment of highway property for which the contiguous property has been subdivided prior to abandonment."

Section 18. Section 60-4-213, MCA, is amended to read:

"**60-4-213. Purpose.** The purpose of 60-4-213 through 60-4-218 is to provide for the ~~abandonment~~ *disposal* of an interest in real property that the department has determined is not necessary to the laying out, altering, construction, improvement, or maintenance of a road or highway *by right-of-way abandonment*. ~~The current abandonment statute, 60-4-209, does not provide for abandonment of only a portion of the right-of-way or for abandonment of highway property where the contiguous property has been subdivided prior to abandonment.~~"

Section 19. Section 60-4-214, MCA, is amended to read:

"**60-4-214. Definitions.** As used in 60-4-213 through 60-4-218, unless the context requires otherwise, the following definitions apply:

(1) "Abandoned interest" means the fee simple or lesser interest in the subject property after the *right-of-way* abandonment has been ordered by the commission.

~~(2) "Abandonment" means cessation of use of right-of-way or activity on the right-of-way with no intention to reclaim or use the right-of-way again.~~

~~(3)~~*(2)* "Contiguous property" means subdivided parcels along one side of the length of the remainder.

~~(4)~~*(3)* "Remainder" means the area lying between the centerline and the new right-of-way line as determined by the department, in its sole discretion, as necessary for the reconstruction and maintenance of a road or highway.

~~(5)~~*(4)* "Subject property" means that portion of highway right-of-way for which *right-of-way* abandonment is sought."

Section 20. Section 60-4-215, MCA, is amended to read:

"**60-4-215. Application of other laws.** (1) The provisions of 60-2-107(1) through (3)~~, 60-4-201, 60-4-202, 60-4-203, and 60-4-209(1) and (3) through (5)~~ do not apply to abandonment under 60-4-213 through 60-4-218.

(2) The provisions of 60-2-107(4) and (5) apply to *right-of-way* abandonment under 60-4-213 through 60-4-218 to the extent that reasonable access must remain after the *right-of-way* abandonment."

Section 21. Section 60-4-216, MCA, is amended to read:

"**60-4-216. Procedure for *right-of-way* abandonment.** (1) Upon receipt of a petition, in writing, for the *right-of-way* abandonment of the subject property from three or more owners of contiguous property, the department shall prepare an exhibit, setting forth the boundaries of the subject property and identifying the remainder.

(2) The department shall prepare an order of *right-of-way* abandonment to propose to the commission.

(3) The proposed order must state that the subject property is subject to all easements and utilities apparent or of record.

(4) Before abandoning the subject property, the commission shall notify the board of county commissioners in writing of its intent to ~~abandon~~ *effect the right-of-way abandonment of* the subject property and shall hold a public hearing in the county or counties affected by the *right-of-way* abandonment.

(5) The commission shall publish the notice of proposed abandonment and public hearing for 3 successive weeks in local newspapers within the county.

(6) The commission, in its sole discretion, may enter an order ~~abandoning~~ *disposing of* the subject property *by right-of-way abandonment*.

(7) The order with exhibits attached must be recorded by the department in the office of the clerk and recorder in the county or counties in which the subject property is located."

Section 22. Section 60-4-217, MCA, is amended to read:

"**60-4-217. Criteria for *right-of-way* abandonment.** (1) Subject to subsection (2), the commission shall enter an order ~~abandoning~~ *disposing of* the subject property *by right-of-way abandonment* upon finding that:

(a) the department has determined that the cost of disposing of the subject property by sale pursuant to 60-4-202 or exchange pursuant to 60-4-201 exceeds the fair market value of the subject property;

(b) a remainder exists to provide reasonable access; and

(c) at least one of the following applies:

(i) the disposal qualifies as an exception to 23 CFR 710.403(d);

(ii) reimbursement of federal funds is not required; or

(iii) the commission agrees to any required reimbursement of federal funds.

(2) An owner of contiguous property who does not object to the proposed receipt of title to the abandoned interest is considered to have consented to the receipt of title."

Section 23. Section 60-4-218, MCA, is amended to read:

"**60-4-218. Title.** (1) The department is not responsible for apportioning the abandoned interest among the owners of the contiguous property, and the provisions of 60-4-209(3) do not apply to ~~this~~ *the right-of-way* abandonment.

(2) By ~~consummating~~ *effecting* the *right-of-way* abandonment, neither the department nor the commission gives the covenants set forth in 30-11-110 or warrants title.

(3) The interest acquired by each owner of contiguous property is the abandoned interest in the subject property between the extension of the boundaries of the contiguous property, extending on the same course and intersecting with the linear boundary of the remainder."

Section 24. Section 60-4-401, MCA, is amended to read:

"**60-4-401. Occupancy and relocation -- definitions.** ~~For the purposes of~~ *As used in* this part, unless ~~otherwise indicated~~ *the context requires otherwise*, the following definitions apply:

(1) (a) "Cost of relocation" means the amount paid by the utility for material, labor, and equipment properly attributable to the relocation after deducting any increase in the value of the new facility and any salvage value derived from the old facility.

(b) "Cost of relocation" does not mean engineering costs for designing, locating, staking, inspecting, or any other incidental costs of engineering.

(2) "Facility" means a utility's tracks, pipes, mains, conduits, cables, wires, towers, poles, and other equipment and appliances impacted by a project on a commission-designated highway system or state highway.

(3) "Utility" includes publicly, privately, and cooperatively owned utilities, including water and sewer facilities."

Section 25. Section 60-4-601, MCA, is amended to read:

"**60-4-601. Interstate right-of-way -- department role -- *definitions*.** (1) The department of transportation may grant a right-of-way use agreement for the use of longitudinal right-of-way along interstate highways in the state for eligible projects that:

(a) provide evidence that construction and completion will result in a significant investment, a documented positive significant fiscal impact, or both, to the Montana economy within the first year of operation;

(b) are in the public interest; and

(c) are approved by the federal highway administration.

(2) To request a right-of-way use agreement in accordance with this section, the owner of an eligible project ~~must~~ *shall* submit an application to the department that demonstrates compliance with subsection (1)~~. The applicant must~~ *and* pay an application fee of $100. The department shall work with the applicant and the federal highway administration throughout the review process and approve or deny the application within 90 days of final approval by the federal highway administration.

(3) (a) Except as provided in subsections (3)(b) and (3)(c), the department and the applicant shall agree to the payment of the fair market value of the portion of the right-of-way where the project will be located prior to the right-of-way use agreement being granted.

(b) Applicants who seek an exception to paying the fair market value shall submit a request and justification to the department. The department shall submit to the federal highway administration the fair market value exception request for approval. If approved, the department may not charge the applicant for the right-of-way use agreement.

(c) An applicant may propose to the department an alternative to payment of fair market value by offering a comparable in-kind contribution.

(4) The department shall allow approved applicants for eligible projects to:

(a) enter into a right-of-way use agreement for a maximum 30-year term with the possibility of renewal upon expiration of the original term; and

(b) use the right-of-way for the construction and maintenance of project facilities in a safe and efficient manner as set forth in the right-of-way use agreement.

(5) Any relocation of facilities occupying the right-of-way is subject to 60-4-403. The department shall work with applicants to minimize the potential for any future project impacts that may require the relocation of facilities occupying the right-of-way.

(6) The department may adopt rules necessary for the administration of this section, including application fees to be paid by an applicant seeking a right-of-way use agreement and any rules necessary to ensure the state is not prevented from receiving federal funds for highway purposes.

(7) ~~For the purposes of~~ *As used in* this section*, the following definitions apply*:

(a) "Eligible project" means a pipeline, fiber optic or other communications-type cables, wireless facility, associated infrastructure, and dedicated power sources.

(b) "Fair market value" means $100 a mile for each year, or $3,000 a mile for a 30-year term right-of-way use agreement. Applicants may choose to pay annually or in a lump sum for the full length of the term.

(c) "Public interest", including the determination of clean energy and broadband infrastructure projects that provide connectivity to Montana citizens, is determined by state policy and federal highway administration guidance and regulation, including but not limited to 23 CFR 710.403."

Section 26. Section 60-5-102, MCA, is amended to read:

"**60-5-102. Definitions.** ~~When~~ *As* used in this chapter, *unless the context requires otherwise,* the following definitions apply:

(1) "Arterial highway" means a state highway designated by the commission as part of the noninterstate component of the national highway system, the primary highway system, and any highway ~~so~~ designated as a part of the secondary highway system that has been constructed and is being used primarily for through traffic on a continuous route.

(2) "Controlled-access facility" means and includes streets, alleys, public roads, private roads, and ways of passage intersecting a controlled-access highway and real property contiguous to the right-of-way of a controlled-access highway.

(3) "Controlled-access highway" means those portions of an interstate highway, throughway, or throughway intersection that the commission designates for through traffic or other commission-designated highway system or state highway over, from, or to which owners or occupants of abutting land or other persons have no easement of access or only a limited easement of access, light, air, or view. It also means those portions of spurs to interstate highways that the commission designates as unsafe or impeded by unrestricted access of traffic from intersecting streets or alleys or public or private roads or ways of passage.

(4) "Existing highway" means and includes highways, roads, and streets established, constructed, and in use on March 2, 1955. It does not include highways, roads, or streets established, constructed, and in use after that date or highways, roads, or streets or portions of highways, roads, or streets relocated after that date.

(5) "Highway authorities" or "authority" means the entities in state, county, and municipal governments that have authority to construct, repair, and maintain highways, roads, and streets.

(6) "Throughway" means a portion of an arterial highway constructed and used for carrying traffic partially or entirely around a town or city or a portion of a town or city.

(7) "Throughway intersection area" means an area within a radius of 300 feet from the point of intersection of the centerlines of a throughway and a public road, street, or highway."

Section 27. Section 60-6-106, MCA, is amended to read:

"**60-6-106. Limitation of authority within *and exclusion outside of* incorporated municipalities -- ~~exclusion outside incorporated municipalities --~~ inclusion due to lack of local ordinances -- *definition*.** (1) (a) Municipalities incorporated under Title 7, chapter 2, part 41, have the authority to enact ordinances in accordance with state and federal laws governing the placement of impermanent encroachments on sidewalks of a

commission-designated highway system or state highway right-of-way without the necessity of permitting by the department of transportation for individual encroachments as described in 60-6-101.

(b) This provision is limited to sidewalks as defined in 61-8-102.

(2) (a) This provision specifically excludes all commission-designated highway systems and state highway rights-of-way outside of incorporated municipality boundaries.

(b) A sidewalk encroachment requiring or resulting in a permanent attachment to or a modification of a commission-designated highway system or state highway right-of-way must abide by the requirements of 60-6-101 through 60-6-105.

(3) (a) An incorporated municipality that has not enacted an ordinance regulating the placement of an impermanent encroachment on a sidewalk shall default to the permitting process as described in 60-6-101 until it enacts a regulating ordinance.

(b) After enacting a regulating ordinance:

(i) the municipality shall indemnify the state, including costs and fees, for all claims for damages caused by the municipality's enactment of an ordinance, approval of the impermanent encroachment on a sidewalk, and placement of the impermanent encroachment on a sidewalk; and

(ii) 60-6-101 through 60-6-105 do not apply to the impermanent encroachment on a sidewalk except as provided by this section.

(4) The department of transportation shall communicate identified violations of state or federal law, including the Americans with Disabilities Act of 1990, 42 U.S.C. 12101, et seq., as amended, to the incorporated municipalities for enforcement within their boundaries. This communication must include references to the state or federal law that was violated. If an incorporated municipality has not acted to address the violation within 7 days, the department of transportation is authorized to proceed with removal of the violation as described in 60-6-101 through 60-6-105.

(5) ~~"Impermanent encroachment"~~ *As used in this section, "impermanent encroachment"* means:

(a) an object that is not permanently affixed to the sidewalk of a commission-designated highway system or state highway right-of-way or that does not require the modification of the sidewalk of a commission-designated highway system or state highway right-of-way; or

(b) an occupied encroachment above grade level."

Section 28. Section 60-11-111, MCA, is amended to read:

"**60-11-111. Identification and acquisition of railroad rights-of-way -- identification of railroad lines for rehabilitation -- *definitions*.** (1) Identification of those railroad lines proposed for abandonment in the state of Montana that may have potential for local transportation service or future use as transportation corridors is necessary to determine the feasibility of acquisition by the state and to allow the state to negotiate for acquisition of those railroad lines or easements in the lines.

(2) Identification of those railroad branch lines in the state that may have potential for local rail freight transportation service is necessary to determine the feasibility of providing loans or grants to the owner or operator of the railroad line as provided in 60-11-120.

(3) The department of transportation:

(a) shall identify railroad rights-of-way in this state that may be abandoned and research the feasibility of acquisition by the state of Montana of those rights-of-way that may be abandoned;

(b) shall identify, under the state rail planning program, railroad branch lines that should be preserved for continued operation;

(c) may negotiate for and acquire easements in the rights-of-way or the railroad rights-of-way and attendant facilities identified pursuant to subsection (3)(a) and:

(i) hold all acquired lands in trust for transportation purposes; and

(ii) upon creation of an appropriate local authority, other than an agency of state government, shall transfer to the local authority all attendant facilities and all rights and responsibility to operate and maintain transportation services over the lands acquired ~~in~~ *pursuant to this* subsection (3)(c);

(d) shall cooperate with and assist persons representing recreational, transportation, and utility interests and other interested persons, including adjacent landowners, in acquiring ownership or easement of abandoned railbeds; and

(e) shall establish procedures, including the use of federal funds received for rail freight assistance programs under former 49 U.S.C. 1654, for providing loans and grants under 60-11-120.

(4) Abandoned rights-of-way acquired and held in trust pursuant to subsection (3)(c)(i) must be administered by the department of natural resources and conservation, as prescribed in Title 77, until the land is needed for transportation purposes.

(5) As used in this section, the following definitions apply:

(a) "Railbed" means the fee or lessor interest in the land 8 1/2 feet to either side of the centerline of the railroad track.

(b) "Recreational interest" means a local government or a not-for-profit corporation that has as its stated purpose the development, use, or maintenance of public recreational trails."

Section 29. Repealer. The following sections of the Montana Code Annotated are repealed:

60-4-208. Abandonment or vacation of commission-designated highway system or state highways.

60-11-112. Definitions.

Section 30. Codification instruction. [Section 16] is intended to be codified as an integral part of Title 60, chapter 4, part 2, and the provisions of Title 60, chapter 4, part 2, apply to [section 16].

Approved March 4, 2025

CHAPTER NO. 18

[HB 181]

AN ACT REVISING CRIMINAL LAWS RELATING TO STATE PROPERTIES TO INCLUDE THE CAPITOL COMPLEX; PROVIDING THAT PATROL OFFICERS ARE CONSIDERED POLICE OFFICERS FOR THE PURPOSES OF MAKING ARRESTS OR SERVING WARRANTS AT THE CAPITOL COMPLEX; AMENDING SECTION 44-1-1003, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 44-1-1003, MCA, is amended to read:

"**44-1-1003. Offenses on highways, rest areas, ~~and~~ state highway properties adjacent to the highway*, and capitol complex*** **or involving motor vehicles.** Patrol officers are considered police officers for the purpose of making arrests for all offenses occurring on the highways, highway rest areas,

state highway properties adjacent to the highway, *and the capitol complex as defined in 2-17-802* or involving the use of motor vehicles or the registration thereof and for the purpose of serving warrants of arrest in connection with such violations."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved March 4, 2025

CHAPTER NO. 19

[SB 320]

AN ACT ESTABLISHING THE MONTANA-IRELAND TRADE COMMISSION TO STUDY BILATERAL TRADE AND INVESTMENT BETWEEN MONTANA AND IRELAND AND MAKE RECOMMENDATIONS; ESTABLISHING MEMBERSHIP AND PURPOSE REQUIREMENTS; PROVIDING FOR MEETINGS OF THE MONTANA-IRELAND TRADE COMMISSION; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING DEFINITIONS; CREATING A SPECIAL REVENUE ACCOUNT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a significant portion of Montana residents are of Irish descent and have ancestors who immigrated from Ireland and settled in numerous locations throughout the state; and

WHEREAS, the ties that bind Ireland to Montana are deep lasting, and to honor those of Irish descent the state recognizes and celebrates March 17 of each year as Irish Heritage Day; and

WHEREAS, Ireland and Montana are attempting to reinvent their economies for success in the twenty-first century; and

WHEREAS, Montana has both historic and practical reasons to desire the building of stronger commercial links with Ireland.

Be it enacted by the Legislature of the State of Montana:

Section 1. Montana-Ireland trade commission. (1) There is a Montana-Ireland trade commission.

(2) The commission consists of:

(a) one member of the senate appointed by the president of the senate;

(b) one member of the house of representatives appointed by the speaker of the house of representatives;

(c) one member of the senate appointed by the minority leader of the senate;

(d) one member of the house of representatives appointed by the minority leader of the house of representatives;

(e) the director of the department of commerce, or the director's designee;

(f) the director of the department of agriculture, or the director's designee;

(g) the commissioner of higher education, or the commissioner's designee;

(h) one Montana resident, appointed by the governor, who represents the Irish American community in this state and is interested in furthering trade between Montana and Ireland; and

(i) one Montana resident at large, appointed by the governor, who is part of a Montana business association, trade organization, economic development organization, or chamber of commerce headquartered in this state and is focused on the promotion of international trade.

(3) (a) Each appointed member shall serve for an initial term of 2 years and may be reappointed. A vacancy must be filled for the remainder of the term in the same manner as the original appointment.

(b) The appointing authority for a member may remove the member and substitute another appointee for the member at any time for the duration of the term.

(4) (a) The appointed members serve staggered terms of 2 years. The initial appointments are as follows: the two members appointed by the governor shall serve 1 year each, and the four legislative members shall serve 2 years each.

(b) All initial appointments must be made no later than [90 days following the effective date of this act].

(5) (a) Commission members shall serve without compensation but may be reimbursed as provided in 2-18-501 through 2-18-503 for travel expenses incurred in the performance of their duties, within the limit of funds available to the commission.

(b) The commission shall raise all money necessary, through direct solicitation or other fundraising events, to fund the activities of the commission, including meetings and travel expenses related to the commission's purposes as provided in [section 4]. The funds raised pursuant to this subsection (5)(b) must be deposited in the Montana-Ireland trade development special revenue account provided for in [section 6].

(6) The commission is allocated to the department of commerce for administrative purposes only as provided in 2-15-121.

Section 2. Short title. [Sections 2 through 7] may be cited as the "Montana-Ireland Trade Development Act".

Section 3. Definitions. As used in [sections 2 through 7], unless the context clearly indicates otherwise, the following definitions apply:

(1) "Commission" means the Montana-Ireland trade commission established in [section 1].

(2) "Department" means the department of commerce established in 2-15-1801.

Section 4. Purposes -- fundraising. (1) The purposes of the commission are to:

(a) advance bilateral trade and investment between Montana and Ireland;

(b) initiate joint action on issues of mutual interest to Montana and Ireland;

(c) promote business and academic exchanges between Montana and Ireland;

(d) encourage mutual economic support between Montana and Ireland;

(e) encourage mutual investment in the infrastructure of Montana and Ireland; and

(f) address any other issues deemed to be of mutual benefit to Montana and Ireland.

(2) The commission may raise funds through direct solicitation or other fundraising events, alone or with other groups, and may accept gifts, grants, and donations to carry out its purpose.

Section 5. Meetings -- election of officers. (1) (a) The commission shall convene for its first meeting no later than 30 days after all commission members have been appointed.

(b) At the initial meeting of the commission and annually thereafter, the members shall select one member from among the four appointed legislators to serve as the chair.

(2) (a) The commission shall meet as necessary at the call of the chair, subject to the availability of funds in the Montana-Ireland trade development special revenue account provided for in [section 6].

(b) A majority of the commission membership constitutes a quorum to do business, and all official actions of the commission require an affirmative vote of a majority of the members present and voting.

(c) The commission may meet and hold hearings at locations it designates throughout the state. Commission meetings, including the first meeting, can be held by electronic means.

(3) The commission shall keep records of all proceedings. The records must be public and open to inspection.

Section 6. Montana-Ireland trade development special revenue account. (1) There is established in the state treasury the Montana-Ireland trade development special revenue account to the credit of the department. The purposes of the account are to reimburse the department for the administrative expenses of the commission and to support the commission's efforts to carry out its purposes listed in [section 4].

(2) The account consists of all funds raised by or on behalf of the commission, together with any gifts, grants, or other donations. Interest on funds credited to the account must remain in the account.

Section 7. Reporting requirement. On or before September 1 of each year, the Montana-Ireland trade commission shall provide a report to the governor and the legislature, in accordance with 5-11-210. The report must include:

(1) a description of the commission's work, including how often the commission met during the preceding 12 months and the minutes of the commission's meetings;

(2) a description of benefits to the state and to sectors involved in international trade, attributable to the commission's efforts;

(3) recommendations for legislative action that would support trade between the state and Ireland; and

(4) a summary of anticipated commission activities in the ensuing year, including any recommendations or requests that may assist the commission's work.

Section 8. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 2, chapter 15, part 18, and the provisions of Title 2, chapter 15, part 18, apply to [section 1].

(2) [Sections 2 through 7] are intended to be codified as an integral part of Title 90, chapter 1, part 1, and the provisions of Title 90, chapter 1, part 1, apply to [sections 2 through 7].

Section 9. Effective date. [This act] is effective July 1, 2025.

Approved March 18, 2025

CHAPTER NO. 20

[HB 409]

AN ACT PROHIBITING A COURT FROM USING CERTAIN TESTS WHEN CONSIDERING AN APPLICATION FOR A PRELIMINARY INJUNCTION OR A TEMPORARY RESTRAINING ORDER; AMENDING SECTION 27-19-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, in 2023, the Montana Legislature amended section 27-19-201, MCA, to establish a standard for preliminary injunctions and temporary restraining orders based on United States Supreme Court precedent; and

WHEREAS, that section states, "It is the intent of the legislature that the language in subsection (1) mirror the federal preliminary injunction standard, and that interpretation and application of subsection (1) closely follow United States supreme court case law"; and

WHEREAS, in Stensvad v. Newmay Ayers Ranch, Inc., the Montana Supreme Court adopted the serious questions test, a sliding scale approach to evaluating applications for preliminary injunctions and temporary restraining orders; and

WHEREAS, the use of the serious questions test or any other sliding scale test is contrary to the legislative intent expressed in section 27-19-201, MCA; and

WHEREAS, the amendments to section 27-19-201, MCA, contained in this legislation are intended to express the intent of the Legislature that any applications for preliminary injunctions or temporary restraining orders must be based on United States Supreme Court precedent and not on 9th Circuit Court of Appeals decisions.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 27-19-201, MCA, is amended to read:

"**27-19-201. When preliminary injunction may be granted -- when injunction order may be granted -- legislative intent.** (1) A preliminary injunction order or temporary restraining order may be granted when the applicant establishes that:

(a) the applicant is likely to succeed on the merits;

(b) the applicant is likely to suffer irreparable harm in the absence of preliminary relief;

(c) the balance of equities tips in the applicant's favor; and

(d) the order is in the public interest.

(2) An injunction order may be granted in either of the following cases between persons, not including a person being sued in that person's official capacity:

(a) when it appears that the adverse party, while the action is pending, threatens or is about to remove or to dispose of the adverse party's property with intent to defraud the applicant, in which case an injunction order may be granted to restrain the removal or disposition; or

(b) when it appears that the applicant has applied for an order under the provisions of 40-4-121 or an order of protection under Title 40, chapter 15.

(3) The applicant for an injunction provided for in this section bears the burden of demonstrating the need for an injunction order.

~~(4)~~*(4) (a)* It is the intent of the legislature that the language in subsection (1) mirror the federal preliminary injunction standard, and that interpretation and application of subsection (1) closely follow United States supreme court case law.

(b) When conducting the preliminary injunction analysis, the court shall examine the four criteria in subsection (1) independently. The court may not use a sliding scale test, the serious questions test, flexible interplay, or another federal circuit modification to the criteria."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved March 25, 2025

CHAPTER NO. 21

[HB 13]

AN ACT GENERALLY REVISING LAWS GOVERNING STATE EMPLOYEE COMPENSATION; REVISING STATE EMPLOYEE PER DIEM RATES; INCREASING THE EMPLOYER CONTRIBUTION FOR GROUP BENEFITS; SETTING THE HOURLY PAY RATE FOR LEGISLATORS IN FUTURE

BIENNIA; APPROPRIATING FUNDS TO IMPLEMENT PAY AND BENEFIT REVISIONS AND PER DIEM ADJUSTMENTS; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 2-18-303, 2-18-501, 2-18-703, AND 5-2-301, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-18-303, MCA, is amended to read:

"**2-18-303. Procedures for administering broadband pay plan.** (1) On the first day of the first complete pay period in fiscal year ~~2024~~ *2026*, each employee is entitled to the amount of the employee's base salary as it was on June 30, ~~2023~~ *2025*.

(2) To the extent that the plan applies to employees within a collective bargaining unit, the implementation of the plan is a negotiable subject under 39-31-305.

(3) Effective on the first day of the first complete pay period that includes July 1, ~~2023~~ *2025*, the base salary of each employee must be increased by ~~$1.50~~ *$1.00* an hour or by ~~4%~~ *2.5%*, whichever is greater. Effective on the first day of the first complete pay period that includes July 1, ~~2024~~ *2026*, the base salary of each employee must be increased by ~~$1.50~~ *$1.00* an hour or by ~~4%~~ *2.5%*, whichever is greater. ~~All full-time employees must receive a one-time, lump-sum payment of $1,040 in the first full pay period after April 11, 2023. All employees who are regularly scheduled to work 20 hours or more a week but less than 40 hours a week must receive a one-time, lump-sum payment of $780 in the first full pay period after April 11, 2023. All employees who are regularly scheduled to work less than 20 hours a week must receive a one-time, lump-sum payment of $520 in the first full pay period after April 11, 2023. These payments are applicable for fiscal year 2023 only.~~

(4) (a) (i) A member of a bargaining unit may not receive the pay adjustment provided for in subsection (3) until the employer's collective bargaining representative receives written notice that the employee's collective bargaining unit has ratified a collective bargaining agreement.

(ii) If ratification of a collective bargaining agreement, as required by subsection (4)(a)(i), is not completed by the date on which a legislatively authorized pay increase is implemented, members of the bargaining unit must continue to receive the compensation that they were receiving until an agreement is ratified.

(b) Methods of administration consistent with the purpose of this part and necessary to properly implement the pay adjustments provided for in this section may be provided for in collective bargaining agreements.

(5) (a) Montana highway patrol officer base salaries must be established through the broadband pay plan. Before January 1 of each odd-numbered year, the department shall, after seeking the advice of the Montana highway patrol, conduct a salary survey to be used in establishing the base salary for existing and entry-level highway patrol officer positions. The county sheriff's offices and the city police departments located within the county seats of the following consolidated governments and counties are the labor market for purposes of the survey: Butte-Silver Bow, Cascade, Yellowstone, Missoula, Lewis and Clark, Gallatin, Flathead, and Dawson. The base salary for existing and entry-level highway patrol officer positions must then be determined by the department of justice, using the results of the salary survey and the department of justice pay plan guidelines. Base or biennial salary increases under this subsection are exclusive of and not in addition to any increases otherwise awarded to other state employees after July 1, 2006.

(b) To the extent that the plan applies to employees within a collective bargaining unit, the implementation of the plan is a negotiable subject under 39-31-305.

(c) The department of justice shall submit the salary survey to the office of budget and program planning as a part of the information required by 17-7-111.

(d) The salary survey and plan must be completed at least 6 months before the start of each regular legislative session."

Section 2. Section 2-18-501, MCA, is amended to read:

"**2-18-501. Meals, lodging, and transportation of persons in state service.** All elected state officials, appointed members of boards, commissions, or councils, department directors, and all other state employees must be reimbursed for meals and lodging while away from the person's designated headquarters and engaged in official state business in accordance with the following provisions:

(1) Except as provided under subsection (3), for travel within the state of Montana, *the following provisions apply:*

(a) ~~lodging~~ *Lodging* must be authorized at the actual cost of lodging and taxes on the allowable cost of lodging.~~, except as provided in subsection (3), plus $8.25 for the morning meal, $9.25 for the midday meal, and $16.00 for the evening meal except as provided in subsection (9). All claims for lodging expense reimbursement allowed under this section must be documented by an appropriate receipt.~~

(b) Except as provided in subsection (9), meals must be authorized at 70% of the standard federal rate of reimbursement for breakfast, lunch, and dinner in Montana established by the United States general services administration in accordance with the federal travel regulation.

(2) Except as provided in subsection (3), for travel outside the state of Montana including foreign travel, the following provisions apply:

(a) Lodging must be reimbursed at actual cost, not to exceed the prescribed maximum standard federal rate per day for the location involved plus taxes on the allowable cost.

(b) Meal reimbursement may not exceed the prescribed maximum standard federal rate per meal.

(3) Except as provided in subsection (9), the department of administration shall designate the locations and circumstances under which the governor, other elected state officials, appointed members of boards, commissions, or councils, department directors, and all other state employees may be authorized the actual cost of the following:

(a) meals, not including alcoholic beverages, when the actual cost exceeds the maximum established in subsection (2)(b); and

(b) lodging when the actual cost exceeds the maximum established in subsection (2)(a).

(4) When other than commercial, nonreceiptable lodging facilities are used by a state official or employee while conducting official state business in a travel status, the amount of $12 is authorized for lodging expenses for each day in which travel involves an overnight stay in lieu of the amount authorized in subsection (1) or (2)(a). However, when overnight accommodations are provided at the expense of a government entity, reimbursement may not be claimed for lodging.

(5) The actual cost of reasonable transportation expenses and other necessary business expenses incurred by a state official or employee while in an official travel status is subject to reimbursement.

(6) The provisions of this section may not be construed as affecting the validity of 5-2-301.

(7) The department of administration shall establish policies necessary to effectively administer this section for state government.

(8) All commercial air travel must be by the least expensive class service available.

(9) When the actual cost of meals exceeds the maximum standard allowed pursuant to subsection (1), the department of administration may authorize the actual cost of meals for firefighters.

(10) For the purposes of implementing subsection (9), the following definitions apply:

(a) "Firefighter" means a firefighter who is employed by the department of natural resources and conservation and who is directly involved in the suppression of a wildfire in Montana.

(b) "Wildfire" means an unplanned, unwanted fire burning uncontrolled and consuming vegetative fuels.

(11) Except for claims made pursuant to subsection (4), all claims for lodging expense reimbursement allowed under this section must be documented by an appropriate receipt."

Section 3. Section 2-18-703, MCA, is amended to read:

"**2-18-703. Contributions.** (1) Each agency, as defined in 2-18-601, and the state compensation insurance fund shall contribute the amount specified in this section toward the group benefits cost.

(2) (a) Except as provided in subsection (2)(b), for employees defined in 2-18-701 and for members of the legislature, the employer contribution for group benefits is ~~$1,054~~ *$1,080* a month *beginning January 2026 and $1,107 a month beginning January 2027*.

(b) For employees defined in 2-18-701 and for members of the legislature, beginning January 2020 and for each succeeding month, the cost of group benefits, including both the employer and employee contributions for group benefits and health flexible spending accounts, may not exceed the monthly amount for self-only coverage and coverage other than self-only that will trigger the excise tax under 26 U.S.C. 4980I, including any cost-of-living adjustments under 26 U.S.C. 4980I. This section limits contributions for group benefits only to the extent needed to avoid triggering the excise tax under 26 U.S.C. 4980I.

(c) Except as provided in subsection (2)(d), for employees of the Montana university system, the employer contribution for group benefits is ~~$1,054~~ *$1,080* a month *beginning July 2025 and $1,107 a month beginning July 2026*.

(d) For employees of the Montana university system, beginning the earlier of July 2020 or the first month in 2020 in which the excise tax under 26 U.S.C. 4980I applies, and for each succeeding month, the cost of group benefits, including both the employer and employee contributions for group benefits and health flexible spending accounts, may not exceed the monthly amount for self-only coverage and coverage other than self-only that will trigger the excise tax under 26 U.S.C. 4980I, including any cost-of-living adjustments under 26 U.S.C. 4980I. This section limits contributions for group benefits only to the extent needed to avoid triggering the excise tax under 26 U.S.C. 4980I.

(e) If a state employee is terminated to achieve a reduction in force, the continuation of contributions for group benefits beyond the termination date is subject to negotiation under 39-31-305 and to the protections of 2-18-1205. Permanent part-time, seasonal part-time, and temporary part-time employees who are regularly scheduled to work less than 20 hours a week are not eligible for the group benefit contribution. An employee who elects not to be covered by a state-sponsored group benefit plan may not receive the state contribution. A portion of the employer contribution for group benefits may be applied to an employee's costs for participation in Part B of medicare under Title XVIII

of the Social Security Act, as amended, if the state group benefit plan is the secondary payer and medicare the primary payer.

(3) For employees of elementary and high school districts, the employer's contributions may exceed but may not be less than $10 a month.

(4) (a) For employees of political subdivisions, as defined in 2-9-101, except school districts, the employer's contributions may exceed but may not be less than $10 a month.

(b) Subject to the public hearing requirement provided in 2-9-212(2)(b), the amount in excess of the base contribution of a local government's property tax levy for contributions for group benefits as determined in subsection (4)(c) is not subject to the mill levy calculation limitation provided for in 15-10-420.

(c) (i) Subject to subsections (4)(c)(ii) and (4)(c)(iii), the base contribution is determined by multiplying the average annual contribution for each employee on July 1, 1999, times the number of employees for whom the employer makes contributions for group benefits under 2-9-212 on July 1 of each fiscal year.

(ii) If a political subdivision did not make contributions for group benefits on or before July 1, 1999, and subsequently does so, the base contribution is determined by multiplying the average annual contribution for each employee in the first year the political subdivision provides contributions for group benefits times the number of employees for whom the employer makes contributions for group benefits under 2-9-212 on July 1 of each fiscal year.

(iii) If a political subdivision has made contributions for group benefits but has not previously levied for contributions in excess of the base contribution, the political subdivision's base is determined by multiplying the average annual contribution for each employee at the beginning of the fiscal year immediately preceding the year in which the levy will first be levied times the number of employees for whom the employer made contributions for group benefits under 2-9-212 in that fiscal year.

(5) Unused employer contributions for any state employee must be transferred to an account established for this purpose by the department of administration and upon transfer may be used to offset losses occurring to the group of which the employee is eligible to be a member.

(6) Unused employer contributions for any government employee may be transferred to an account established for this purpose by a self-insured government and upon transfer may be used to offset losses occurring to the group of which the employee is eligible to be a member or to increase the reserves of the group.

(7) The laws prohibiting discrimination on the basis of marital status in Title 49 do not prohibit bona fide group insurance plans from providing greater or additional contributions for insurance benefits to employees with dependents than to employees without dependents or with fewer dependents."

Section 4. Section 5-2-301, MCA, is amended to read:

"**5-2-301. Compensation and expenses for members while in session.** (1) ~~Legislators are entitled to a salary commensurate to that of the daily rate for an employee earning $10.33 an hour when the regular session of the legislature in which they serve is convened under 5-2-103 for those days during which the legislature is in session. The hourly rate must be adjusted by any statutorily required pay increase~~ *For the legislators serving in the legislative session beginning in January 2027, the salary of each legislator must be determined by multiplying 80% times the average hourly wage for the state of Montana, all industry types, posted by the United States bureau of labor statistics from the most recently published quarter of employment and wages data. For the legislators serving in the legislative session beginning in January 2029 and any subsequent biennium, the salary of each legislator must be*

determined to be equal to the average hourly wage for the state of Montana, all industry types, posted by the United States bureau of labor statistics from the most recently published quarter of employment and wages data. The average hourly rate must be calculated by dividing the average weekly wage by 40 hours. The president of the senate and the speaker of the house must receive an additional $5 a day in salary for those days during which the legislature is in session.

(2) Legislators may serve for no salary.

(3) Legislators are entitled to a daily allowance, 7 days a week, during a legislative session, as reimbursement for lodging, breakfast, lunch, dinner, and incidental expenses incurred in attending a session. The amount of the daily allowance is equal to the amount an employee of the executive branch of the federal government is generally entitled to receive as per diem for lodging, breakfast, lunch, dinner, and incidental expenses while away from home in the city of Helena but serving in the United States. Expense payments must stop when the legislature recesses for more than 3 days and resume when the legislature reconvenes.

(4) Legislators are entitled to a mileage allowance as provided in 2-18-503 for each mile of travel to the place of the holding of the session and to return to their place of residence at the conclusion of the session.

(5) In addition to the mileage allowance provided for in subsection (4), legislators, on submittal of an appropriate claim for mileage reimbursement to the legislative services division, are entitled to:

(a) three additional round trips to their place of residence during each regular session; and

(b) additional round trips as authorized by the legislature during special session.

(6) Legislators are not entitled to any additional mileage allowance under subsection (4) for a special session if it is convened within 7 days of a regular session.

(7) The department of administration shall work with the legislative services division to offer options to legislators to receive their session salary provided for in subsection (1) over the 2-year legislative term or a portion of the term. The options must be offered to all legislators in order to assist legislators to manage their income over the term. The per diem allowance and mileage as provided in this section, salary during a special session as provided in 5-3-101, and the salary during the interim as provided for in 5-2-302 may not be affected."

Section 5. Appropriations. (1) The following money for the indicated fiscal years is appropriated to the listed agencies to implement the adjustments provided in 2-18-303:

Fiscal Year 2026

General Fund	State Special	Federal Special	Proprietary
Legislative Branch			
441,185	66,291		
Consumer Counsel			
	18,266		
Judicial Branch			
1,012,535	48,454	812	
Executive Branch			
12,940,632	10,811,397	6,347,166	237,519
Montana University System			
9,489,860	1,569	56,860	

Total			
23,884,212	10,945,977	6,404,838	237,519
Fiscal Year 2027			
General Fund	State Special	Federal Special	Proprietary
Legislative Branch			
890,017	133,406		
Consumer Counsel			
	36,925		
Judicial Branch			
2,027,488	97,184	1,624	
Executive Branch			
25,951,443	21,676,963	12,720,808	475,848
Montana University System			
19,094,292	3,177	113,925	
Total			
47,963,240	21,947,655	12,836,357	475,848

(2) The following money is appropriated for both fiscal year 2026 and fiscal year 2027, in each fiscal year, to the listed agencies to implement the adjustments provided in 2-18-501:

General Fund	State Special	Federal Special	Proprietary
Legislative Branch			
4,525	331		
Consumer Counsel			
	54		
Judicial Branch			
3,395	309	15	
Executive Branch			
80,748	175,299	108,980	2,074
Montana University System			
5,521		181	
Total			
94,189	175,993	109,176	2,074

(3) The following money for the indicated fiscal years is appropriated to the listed agencies to implement the adjustments provided in 2-18-703:

Fiscal Year 2026			
General Fund	State Special	Federal Special	Proprietary
Legislative Branch			
23,026	3,650		
Consumer Counsel			
	936		
Judicial Branch			
73,690	3,276	98	
Executive Branch			
800,421	662,800	291,446	14,386
Montana University System			
932,969	156	3,569	
Total			
1,830,106	670,818	395,113	14,386
Fiscal Year 2027			
General Fund	State Special	Federal Special	Proprietary
Legislative Branch			
69,962	11,092		
Consumer Counsel			
	2,844		

Judicial Branch			
223,903	9,480	299	
Executive Branch			
2,432,049	2,011,048	1,189,393	43,712
Montana University System			
1,906,522	474	10,843	
Total			
4,632,436	2,034,938	1,200,535	43,712

(4) The following money is appropriated for the biennium beginning July 1, 2025, to the office of budget and program planning from the designated state fund and is to be distributed to agencies when personnel vacancies do not occur, retirement costs exceed agency resources, or other contingencies arise:

General Fund	$1,000,000
State Special Revenue	$500,000
Federal Special Revenue	$250,000
Proprietary Funds	$50,000

(5) There is appropriated $75,000 from the general fund to the department of administration for the biennium beginning July 1, 2025, for a labor-management training initiative.

Section 6. Effective date. [This act] is effective July 1, 2025.

Approved March 27, 2025

CHAPTER NO. 22

[HB 38]

AN ACT GENERALLY REVISING LAWS RELATED TO DISABILITY PARKING; INCREASING FINES FOR VIOLATIONS; ESTABLISHING THAT A PERSON WHO PROVIDES FALSE INFORMATION OR ASSISTS AN UNQUALIFIED PERSON IN ACQUIRING CERTAIN DISABILITY PARKING ACCOMMODATIONS IS GUILTY OF A MISDEMEANOR; AND AMENDING SECTION 49-4-307, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 49-4-307, MCA, is amended to read:

"**49-4-307. ~~Penalty~~ *Penalties.*** *(1) (a)* ~~A~~ *Except as provided in subsection (1)(b), a* person who parks a motor vehicle or motorcycle in violation of 49-4-302(2) ~~is guilty of a misdemeanor and is punishable by a fine of $100~~ *or (3) shall be fined:*

(i) for a first violation, not less than $150 or more than $250; and

(ii) for a second or subsequent violation, not less than $250 or more than $500.

(b) ~~However, a~~ *A* person ~~charged with violating~~ *who violates* 49-4-302(2) *or (3)* may not be ~~convicted~~ *fined* if within 3 business days the person produces ~~in court or the office of the arresting officer~~ a disability parking permit that was previously issued to the person and that ~~is~~ *was* valid at the time of ~~arrest~~ *the parking violation.*

(2) If the operator was not with the motor vehicle at the time of the violation, the registered owner of the motor vehicle is personally responsible. A defense that the motor vehicle was parked in violation of 49-4-302(2) or (3) by a person other than the registered owner is not allowed unless it is shown that the motor vehicle was being used at the time without the consent of the registered owner.

(3) A person who provides false information in order to acquire or who assists an unqualified person in acquiring a disability license plate issued under

61-3-458(4)(b) or (4)(i), a license plate displaying a wheelchair as provided in 61-3-332(9), or a disability parking placard issued under this part or a person who abuses the privileges granted by this part is guilty of a misdemeanor punishable by a fine of not less than $300 or by community service not to exceed 10 hours dedicated to improving access for persons with disabilities, or both.

(4) A sworn law enforcement official in the state or an officer who is authorized by a municipality may enter any parking space, parking lot, or parking facility on the ways of this state open to the public as defined in 61-8-101 or in a public right-of-way as defined in 60-1-103 to enforce the provisions of 49-4-302(2) or (3) with respect to accessible parking for a person with a disability."

Approved March 27, 2025

CHAPTER NO. 23

[HB 43]

AN ACT GENERALLY REVISING MOTOR VEHICLE TRAFFIC REGULATION LAWS FOR CONSISTENCY AND CLARITY; REORGANIZING DEFINITIONS APPLICABLE TO TRAFFIC REGULATION LAWS UNDER TITLE 61, CHAPTER 8, INTO ONE SECTION; REVISING CERTAIN DEFINITIONS; DEFINING PAVED SHOULDER; PROVIDING FOR SHOULDER INCLUSIVITY FOR OPERATING BICYCLES, YIELDING TO EMERGENCY VEHICLES, AND MEETING OR PASSING A SCHOOL BUS; AND AMENDING SECTIONS 49-4-302, 61-6-301, 61-8-101, 61-8-102, 61-8-351, 61-8-387, 61-8-605, AND 61-12-401, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 49-4-302, MCA, is amended to read:

"**49-4-302. Privileges of permitholder -- privilege for disabled veteran -- exemptions from time limits -- requirements for accessible parking spaces.** (1) The parking permit issued under this part, when displayed, entitles a person to park a motor vehicle in an accessible parking space designated for use by a person with a disability, whether on public property or on private property available for public use, when the person for whom the permit was issued is using the accessible parking space to enter or exit the vehicle.

(2) A vehicle or motorcycle may not stop, stand, or park within an accessible parking space designated for use by a person with a disability as provided in 49-4-304 unless:

(a) (i) the vehicle is lawfully displaying a disability parking permit issued under this part, a distinguishing license plate or placard for a person with a disability that was issued by a foreign jurisdiction conferring parking privileges similar to those conferred in subsection (1), or an inscribed license plate displaying the letters "DV" issued under 61-3-458(4)(b) or (4)(i) or displaying a wheelchair as provided in 61-3-332(9); and

(ii) the designated accessible parking space is being used by the person for whom the permit, plate, or placard was issued to enter or exit the vehicle; or

(b) the vehicle is being used to transport a person with a disability and is temporarily stopping, standing, or parking in an accessible parking space designated for use by a person with a disability as provided in 49-4-304 only for the purpose of loading or unloading the person with a disability.

(3) A vehicle or motorcycle may not stop, stand, or park within an access aisle designated for use by a person with a disability as provided in 49-4-304,

regardless of whether a vehicle is lawfully displaying a disability parking permit issued under this part, a distinguishing license plate, or a placard for a person with a disability that was issued by a foreign jurisdiction conferring parking privileges similar to those conferred in subsection (1), or an inscribed license plate displaying the letters "DV" issued under 61-3-458(4)(b) or (4)(i) or displaying a wheelchair as provided in 61-3-332(9).

(4) Notice of the penalty for violation of this part is not required at the site of an accessible parking space.

(5) The governing body of a city, town, or county may exempt vehicles lawfully displaying a disability parking permit issued under this part and vehicles lawfully displaying inscribed license plates displaying the letters "DV" issued under 61-3-458(4)(b) or (4)(i) or displaying a wheelchair as provided in 61-3-332(9) and parked in public places along public streets from any time limitation imposed upon parking, except in areas where:

(a) stopping, standing, or parking of all vehicles is prohibited;

(b) only special vehicles may be parked; or

(c) parking is not allowed during specific periods of the day in order to accommodate heavy traffic.

(6) (a) In accordance with subsection (2), the governing body of a city, town, or county or appropriate state agency shall impose all, but not less than all, of the applicable requirements set forth in 28 CFR 36 as of February 10, 2021, with respect to any accessible parking space constructed after September 30, 1985, and reserved for a person with a disability or a permitholder on ways of this state open to the public, as defined in ~~61-8-101~~ *61-8-102*, or in the right-of-way, as defined in 60-1-103.

(b) In addition to requirements imposed under subsection (6)(a), an accessible parking space must be maintained and be free of any obstructions, including but not limited to snow, shipping pallets, and shopping carts. However, no person or business may be cited for violation of this subsection (6)(b) without an initial warning providing a reasonable amount of time to clear an obstruction."

Section 2. Section 61-6-301, MCA, is amended to read:

"**61-6-301. Required motor vehicle insurance -- family member exclusion.** (1) (a) Except as provided in subsection (1)(b), an owner of a motor vehicle that is registered and operated in Montana by the owner or with the owner's permission shall continuously provide insurance against loss resulting from liability imposed by law for bodily injury or death or damage to property suffered by any person caused by maintenance or use of a motor vehicle in an amount not less than that required by 61-6-103, or a certificate of self-insurance issued in accordance with 61-6-143.

(b) Notwithstanding the mandatory motor vehicle liability insurance protection provided for in subsection (1)(a), nothing in this part may be construed to prohibit the exclusion from insurance coverage of a named family member in a motor vehicle liability insurance policy.

(2) It is unlawful for a person to operate a motor vehicle ~~upon~~ *on* ways of this state open to the public as defined in ~~61-8-101~~ *61-8-102* without a valid policy of liability insurance in effect in an amount not less than that required by 61-6-103 unless the person has been issued a certificate of self-insurance under 61-6-143 or is operating a vehicle exempt under 61-6-303."

Section 3. Section 61-8-101, MCA, is amended to read:

"**61-8-101. ~~Application -- exceptions -- definition~~ *Application.*** (1) ~~As used in this chapter, "ways of this state open to the public" means any highway, road, alley, lane, parking area, or other public or private place adapted and fitted for public travel that is in common use by the public~~ *Interpretation of this*

chapter in this state must be as consistent as possible with the interpretation of similar laws in other states.

(2) The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles ~~upon~~ *on* highways except:

(a) where a different place is specifically referred to in a given section;

(b) the provisions of 61-8-301 and 61-8-1002(1) and (2), with regard to operating a vehicle while under the influence of drugs, apply anywhere within this state;

(c) the provisions of 61-8-301 and 61-8-1002, except under the influence of a dangerous drug and 61-8-1002(2), with regard to operating a vehicle while under the influence of alcohol, apply ~~upon~~ *on* all ways of this state open to the public.

(3) The operation of motor vehicles directly across the public roads and highways of this state, especially as required in the transportation of natural resource products, including agricultural products and livestock, ~~shall~~ *may* not be considered to be the operation of ~~such~~ *the* vehicles on the public roads and highways of this state or on ways of this state open to the public, provided that ~~such~~ *the* crossings are adequately marked with warning signs or devices. ~~Such~~ *The* crossings are subject to provisions relating to stopping before entry and to restoration of any damage as may reasonably be prescribed by the state or local agency in control of safety of operation of the public highway involved."

Section 4. Section 61-8-102, MCA, is amended to read:

"**61-8-102. Uniformity of interpretation -- definitions.** ~~(1) Interpretation of this chapter in this state must be as consistent as possible with the interpretation of similar laws in other states.~~

~~(2)~~ As used in this chapter, unless the context requires otherwise, the following definitions apply:

~~(a)~~*(1)* "Authorized emergency vehicle" means a vehicle of a governmental fire agency organized under Title 7, chapter 33, an ambulance, or an emergency vehicle designated or authorized by the department.

~~(b)~~*(2)* "Bicycle" means a vehicle propelled solely by human power on which any person may ride, irrespective of the number of wheels, except scooters, wheelchairs, and similar devices. The term includes an electrically assisted bicycle.

~~(c)~~*(3)* "Bicycle trailer" means a device with one or more wheels that is designed to be towed by a bicycle.

~~(d)~~*(4)* "Business district" means the territory contiguous to and including a highway when within any 600 feet along a highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, office buildings, railroad stations, and public buildings that occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

~~(e)~~*(5)* "Controlled-access highway" means a highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the highway, street, or roadway except at the points and in the manner as determined by the public authority having jurisdiction over the highway, street, or roadway.

~~(f)~~*(6)* "Crosswalk" means:

~~(i)~~*(a)* that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or

~~(ii)~~*(b)* any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrians crossing by lines or other markings on the surface.

~~(g)~~*(7)* "Electrically assisted bicycle" means a vehicle on which a person may ride that has two tandem wheels and an electric motor capable of propelling the vehicle and a rider who weighs 170 pounds no faster than 20 miles an hour on a paved, level surface.

~~(h)~~*(8)* "Flag person" means a person who directs, controls, or alters the normal flow of vehicular traffic on a street or highway as a result of a vehicular traffic hazard then present on that street or highway. This person, except a uniformed traffic enforcement officer exercising the officer's duty as a result of a planned vehicular traffic hazard, must be equipped as required by the rules of the department of transportation.

~~(i)~~*(9)* "Highway" has the meaning provided in 61-1-101, but includes ways that have been or are later dedicated to public use.

~~(j)~~*(10)* "Ignition interlock device" means ignition equipment that:

~~(i)~~*(a)* analyzes the breath to determine blood alcohol concentration;

~~(ii)~~*(b)* is approved by the department pursuant to 61-8-1025; and

~~(iii)~~*(c)* is designed to prevent a motor vehicle from being operated by a person who has consumed a specific amount of an alcoholic beverage.

~~(k)~~*(11)*~~(i)~~*(a)* "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines or if there are no curb lines then the lateral boundary lines of the roadways of two highways that join one another at or approximately at right angles or the area within which vehicles traveling on different highways joining at any other angle may come in conflict.

~~(ii)~~*(b)* When a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway must be regarded as a separate intersection. If the intersecting highways also include two roadways 30 feet or more apart, then every crossing of two roadways of the highways must be regarded as a separate intersection.

~~(l)~~*(12)* "Laned roadway" means a roadway that is divided into two or more clearly marked lanes for vehicular traffic.

~~(m)~~*(13)* "Local authorities" means every county, municipal, and other local board or body having authority to enact laws relating to traffic under the constitution and laws of this state.

~~(n)~~*(14)* "Moped" means a vehicle equipped with two or three wheels, foot pedals to permit muscular propulsion, and an independent power source providing a maximum of 2 brake horsepower. The power source may not be capable of propelling the device, unassisted, at a speed exceeding 30 miles an hour on a level surface. The device must be equipped with a power drive system that functions directly or automatically only and does not require clutching or shifting by the operator after the drive system is engaged.

~~(o)~~*(15)* "Noncommercial motor vehicle" or "noncommercial vehicle" means any motor vehicle or combination of motor vehicles that is not included in the definition of commercial motor vehicle in 61-1-101 and includes but is not limited to the vehicles listed in 61-1-101(10)(b).

~~(p)~~*(16)* "Official traffic control devices" means all signs, signals, markings, and devices not inconsistent with this title that are placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

(17) "Paved shoulder" means that portion of the shoulder that is adjacent to the edge of the roadway, continuous and level with the roadway, and paved.

~~(q)~~*(18)* "Pedestrian" means any person on foot or any person in a manually or mechanically propelled wheelchair or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled person.

~~(r)~~*(19)* "Police vehicle" means a vehicle used in the service of any law enforcement agency.

~~(s)~~*(20)* "Private road" or "driveway" means a way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

~~(t)~~*(21)* "Residence district" means the territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of 300 feet or more is primarily improved with residences or residences and buildings in use for business.

~~(u)~~*(22)* "Right-of-way" means the privilege of the immediate use of the roadway.

~~(v) "Roadway" means the portion of a highway that is improved, designed, or ordinarily used for vehicular travel, including the paved shoulder.~~

~~(w)~~*(23) "Roadway" has the meaning provided in 61-1-101.*

(24) "School bus" has the meaning provided in 20-10-101.

~~(x)~~*(25)* "Sidewalk" means the portion of a street that is between the curb lines or the lateral lines of a roadway and the adjacent property lines and that is intended for use by pedestrians.

~~(y)~~*(26)* "Traffic control signal" means a device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

~~(z)~~*(27)* "Urban district" means the territory contiguous to and including any street that is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than 100 feet for a distance of one-fourth mile or more.

(28) "Ways of this state open to the public" means any highway, road, alley, lane, parking area, or other public or private place adapted and fitted for public travel that is in common use by the public."

Section 5. Section 61-8-351, MCA, is amended to read:

"**61-8-351. Meeting or passing school bus -- vehicle operator liability for violation -- penalty.** (1) (a) When a school bus that has stopped on the roadway*, paved shoulder,* or street to receive or discharge school children has actuated flashing red lights as specified in 61-9-402, a driver of a motor vehicle that is approaching the school bus from either direction:

(i) shall stop the motor vehicle not less than approximately 30 feet from the school bus; and

(ii) may not proceed past the school bus until the school bus ceases operation of its flashing red lights.

(b) A driver of a motor vehicle may not overtake a stopped school bus on the right side of the school bus.

(2) When a school bus that is preparing to stop on the highway or street to receive or discharge school children has actuated flashing amber lights as specified in 61-9-402, a driver of a motor vehicle that is approaching the school bus from either direction shall slow to a rate of speed that is reasonable under the conditions existing at the point of operation and must be prepared to stop on the actuation of flashing red lights when the school bus has stopped.

(3) Each bus used for the transportation of school children must bear upon the front and rear plainly visible signs containing the words "SCHOOL BUS" in letters not less than 8 inches in height.

(4) (a) Each bus used for the transportation of school children must be equipped with visual signals meeting the requirements of 61-9-402. Amber flashing lights must be actuated by the driver approximately 150 feet in cities and approximately 500 feet in other areas before the bus is stopped to receive or discharge school children on the highway or street. Red lights must be actuated by the driver of the school bus only when the school bus is stopped on the highway or street to receive or discharge school children.

(b) A school district board of trustees may adopt a policy prohibiting the operation of amber or red lights when a school bus is stopped at the school site to receive or discharge school children and the receipt or discharge does not involve street crossing by the children. The lights may not be operated in violation of that policy.

(c) If a school bus is stopped outside of the roadway *or paved shoulder* and the school bus will receive or discharge school children in a location outside of the roadway *or paved shoulder*, the school bus may not actuate the flashing red lights so long as the school children do not enter the roadway *or paved shoulder*.

(5) (a) When a school bus route includes a bus stop that requires a school child to cross a roadway, the school bus must be equipped with an extended stop arm that partially obstructs the roadway. A school child may not cross a roadway to enter or exit from a school bus unless the roadway has been partially obstructed by the extended stop arm.

(b) The extended stop arm must be equipped with additional flashing red lights as specified in 61-9-402 and must be capable of extending a distance of at least 54 inches from the school bus at a height of not less than 36 inches.

(c) The board of trustees shall approve each school bus stop that requires a school child to cross a roadway.

(d) A school bus that experiences a mechanical problem or an emergency that requires the school bus to stop at a nondesignated bus stop is not subject to the requirements of this subsection (5).

(6) When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or for school functions, all markings on the bus indicating "SCHOOL BUS" must be covered or concealed.

(7) The driver of a motor vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus that is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone that is a part of or adjacent to the highway and where pedestrians are not permitted to cross the roadway.

(8) (a) A person who observes a violation of this section may prepare a written, in addition to an oral, report indicating that a violation has occurred. The report may contain information concerning the violation, including:

(i) the time and approximate location at which the violation occurred;

(ii) the license plate number and color of the motor vehicle involved in the violation;

(iii) identification of the motor vehicle as a passenger car, truck, bus, motorcycle, or other type of motor vehicle; and

(iv) a description of the person operating the motor vehicle when the violation occurred.

(b) A report under subsection (8)(a) constitutes particularized suspicion under 46-5-401(1) that an operator of the vehicle committed a violation of this section.

(c) A person who observes a violation of this section may file a written or oral complaint with the county sheriff's office. At the sheriff's discretion, the report may be transferred to the highway patrol or city police department. The report must be investigated by a peace officer, and the investigating officer shall contact the reporting party within 30 days to provide an update on the status or outcome of the investigation.

(9) (a) A person who violates subsection (1)(a) is guilty of a misdemeanor and is subject to the following penalties:

(i) for a first offense, a fine of not less than $500 or more than $1,000, a sentence of community service of not less than 50 hours or more than 100 hours, or both;

(ii) for a second offense, a fine of not less than $1,000 or more than $2,000, a sentence of community service of not less than 100 hours or more than 200 hours, or both; and

(iii) for a third or subsequent offense, a fine of not less than $3,000 or more than $5,000, a sentence of imprisonment for a term of not less than 30 days, or both.

(b) Violation of subsection (1)(b) is a misdemeanor and is punishable on conviction by a fine of not more than $1,000, by imprisonment for not more than 6 months, or both.

(c) A driver of a motor vehicle who makes contact with any portion of a school bus stopped pursuant to subsection (5), including making contact with an extended stop arm or a school child within 30 feet of a school bus, is guilty of a misdemeanor and is subject to the penalties allowed in subsection (9)(a)."

Section 6. Section 61-8-387, MCA, is amended to read:

"**61-8-387. Yielding to moving emergency vehicle.** (1) When being approached by a law enforcement vehicle or authorized emergency vehicle using its siren or emergency lights, the operator of a moving vehicle, unless otherwise directed by a law enforcement officer, shall:

(a) yield the right-of-way to the law enforcement vehicle or authorized emergency vehicle; and

(b) unless already stationary and out of the way of the law enforcement vehicle or authorized emergency vehicle:

(i) drive cautiously to a position that is *not in an intersection and is* parallel to and as close as possible to the right-hand edge or curb of the roadway*, inclusive of a paved shoulder if it exists* ~~and is not in an intersection~~; and

(ii) remain stationary until the law enforcement vehicle or authorized emergency vehicle has passed.

(2) An operator of a vehicle who violates this section is subject to the penalties provided in 61-8-715(3)."

Section 7. Section 61-8-605, MCA, is amended to read:

"**61-8-605. Riding on roadways *and paved shoulders.*** (1) *A person may operate a bicycle on a roadway or a paved shoulder. Persons operating bicycles on a paved shoulder may ride two abreast.*

(2) A person operating a bicycle on a roadway at less than the normal speed of traffic shall ride in the right-hand lane of the roadway *or a paved shoulder if it exists and provides a reasonable margin of safety*, subject to the following provisions:

(a) If the right-hand lane is wide enough to be safely shared with overtaking vehicles, a bicyclist shall ride far enough to the right as judged safe by the bicyclist to facilitate the movement of overtaking vehicles unless other conditions make it unsafe to do so.

(b) A bicyclist may use a lane other than the right-hand lane when:

(i) overtaking and passing a slower vehicle;

(ii) preparing for a left turn at an intersection or into a private road or driveway;

(iii) the right-hand lane is a dedicated right-turn lane and the bicyclist does not intend to turn right; or

(iv) it is necessary to avoid a condition that makes it unsafe to ride in the right-hand lane of the roadway.

~~(2)~~*(3)* A person operating a bicycle on a one-way roadway with two or more marked traffic lanes may ride as close to the left side of the roadway as judged safe by the bicyclist.

~~(3)~~*(4)* Persons riding bicycles on a roadway shall ride in single file except when:

(a) riding on paths or parts of roadways set aside for the exclusive use of bicycles;

(b) overtaking and passing another bicycle;

(c) riding ~~on a paved shoulder or~~ in a parking lane, in which case the persons may ride two abreast; or

(d) riding within a single lane on a laned roadway with at least two lanes in each direction, in which case the persons may ride two abreast only if they do not impede the normal and reasonable movement of traffic more than they would otherwise impede traffic by riding single file and in accordance with the provisions of this chapter.

~~(4)~~*(5)* A bicyclist is not expected or required to ride:

(a) over or through hazards at the edge of a roadway *or a paved shoulder*, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or

(b) without a reasonable margin of safety on the right side of the roadway *or a paved shoulder*."

Section 8. Section 61-12-401, MCA, is amended to read:

"**61-12-401. Taking vehicle into custody.** (1) The following law enforcement agencies and department of fish, wildlife, and parks personnel may take into custody any vehicle found abandoned for a period of 48 hours or more on a public highway or for a period of 5 days or more on a city street, public property, or private property:

(a) the Montana highway patrol if the vehicle is on the right-of-way of any public highway other than a county road;

(b) the sheriff of the county if the vehicle is on the right-of-way of any county road;

(c) the city police if the vehicle is on a city street;

(d) a tribal law enforcement agency if the tribal government has entered into a cooperative agreement with the Montana highway patrol, the sheriff of a county, or the city police. When a cooperative agreement for law enforcement has been entered into, the tribal law enforcement agency has the same authority to take a vehicle into custody and is subject to the same requirements under this part as the applicable agency identified in subsections (1)(a) through (1)(c);

(e) a game warden, as defined in 19-8-101, if the vehicle is on state land or land managed by the department of fish, wildlife, and parks.

(2) The Montana highway patrol, sheriff of the county, city police, tribal law enforcement agency, or department of fish, wildlife, and parks may use their personnel, equipment, and facilities for the removal and storage of the vehicle or may hire other personnel, equipment, and facilities for those purposes.

(3) If the Montana highway patrol, the sheriff of the county, the chief of police, the tribal law enforcement agency of the reservation, or the department of fish, wildlife, and parks has hired other personnel, equipment, and facilities to remove and store a vehicle, the Montana highway patrol, sheriff, chief of police, tribal law enforcement agency, or department of fish, wildlife, and parks shall:

(a) pay the person hired to remove the vehicle an amount not to exceed the amount for a removal charge established by rules adopted by the department of environmental quality and may request reimbursement of the hired removal charge from the motor vehicle recycling and disposal program of the

department of environmental quality in an amount and manner established by rules adopted by the department of environmental quality for this purpose; or

(b) authorize the person hired to remove the vehicle to submit directly to the department of environmental quality a claim for payment to be made directly to the person hired to remove the vehicle.

(4) (a) At the request of the owner or person in lawful possession or control of the private property, the sheriff of the county in which the vehicle is located, the city police of the city in which the vehicle is located, or the tribal law enforcement agency of the reservation in which the vehicle is located may remove and hold it in the manner and upon the conditions provided in subsections (1) and (2).

(b) A private landowner owning property considered to be part of ways of this state open to the public, as defined in ~~61-8-101~~ *61-8-102*, who can demonstrate meeting the 5-day waiting period in subsection (1) by calling one of the law enforcement agencies listed in subsection (1) at the start of the 5-day period may remove the abandoned vehicle within the conditions provided for in subsections (1) and (2)."

Approved March 27, 2025

CHAPTER NO. 24

[HB 44]

AN ACT REVISING LAWS RELATED TO TAMPERING WITH OR FABRICATING PHYSICAL EVIDENCE; ESTABLISHING A PENALTY FOR TAMPERING WITH OR FABRICATING PHYSICAL EVIDENCE IN CONNECTION WITH A HOMICIDE; AND AMENDING SECTION 45-7-207, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 45-7-207, MCA, is amended to read:

"**45-7-207. Tampering with or fabricating physical evidence -- *penalties.*** (1) A person commits the offense of tampering with or fabricating physical evidence if, believing that an official proceeding or investigation is pending or about to be instituted, the person:

(a) alters, destroys, conceals, or removes any record, document, or thing with purpose to impair its verity or availability in the proceeding or investigation; or

(b) makes, presents, or uses any record, document, or thing knowing it to be false and with purpose to mislead any person who is or may be engaged in the proceeding or investigation.

(2) *(a)* ~~A~~ *Except as provided in subsection (2)(b), a* person convicted of tampering with or fabricating physical evidence shall be imprisoned in the state prison for a term not to exceed 10 years or be fined an amount not to exceed $50,000, or both.

(b) A person convicted of tampering with or fabricating physical evidence in connection with a homicide or homicide investigation and who in so doing affected the ability of a coroner or medical examiner to determine either a cause of death or manner of death, or both, shall be imprisoned in the state prison for a term not to exceed 40 years or be fined an amount not to exceed $100,000, or both."

Approved March 27, 2025

CHAPTER NO. 25

[HB 54]

AN ACT REMOVING THE REQUIREMENT FOR THE COUNTERSIGNATURE OF THE COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY ON WARRANTS FOR PAYMENT FROM THE UNEMPLOYMENT TRUST FUND; AMENDING SECTION 39-51-406, MCA; REPEALING SECTION 39-51-405, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 39-51-406, MCA, is amended to read:

"**39-51-406. Unemployment insurance administration account.** (1) There is an account in the federal special revenue fund to be known as the unemployment insurance administration account. All money that is deposited, appropriated, or paid into this account is available for appropriation to the department. All money in the account must be expended solely for the purpose of defraying the costs of administration of this chapter and costs of administration of other legislation specifically delegated by the legislature to the department for administration of unemployment insurance laws.

(2) All money received and deposited in the account from the United States or any agency of the United States pursuant to section 302 of the Social Security Act, 42 U.S.C. 502, must be expended solely for the purpose and in the amounts found necessary by the secretary of labor for the proper and efficient administration of this chapter.

(3) The account consists of:

(a) all money received from the United States or any agency of the United States pursuant to section 302 of the Social Security Act, 42 U.S.C. 502, as amended; and

(b) all money, trust funds, supplies, facilities, or services furnished, deposited, paid, and received from the United States or any agency of the United States that are designated for use in the administration of the unemployment insurance program.

(4) Notwithstanding any provisions of this section, all money requisitioned and deposited in this account pursuant to 39-51-403 through ~~39-51-405~~ *39-51-404* must remain part of the unemployment insurance fund and must be used only in accordance with the conditions specified in 39-51-403 through ~~39-51-405~~ *39-51-404*.

(5) All money in this account must be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as is provided by law for other accounts. The balance in this account may not lapse at any time but must be continuously available to the department for expenditure consistent with this chapter.

(6) Any reference to the unemployment insurance administration fund in this code means the unemployment insurance administration account in the federal special revenue fund."

Section 2. Repealer. The following section of the Montana Code Annotated is repealed:

39-51-405. Signatures required on warrants.

Section 3. Effective date. [This act] is effective on passage and approval.

Approved March 27, 2025

CHAPTER NO. 26

[HB 61]

AN ACT GENERALLY REVISING INTERENTITY LOAN PROCEDURES; PERMITTING FEDERAL SPECIAL REVENUE FUNDS TO HAVE A NEGATIVE CASH BALANCE WHEN THE AGENCY WILL BE REIMBURSED FOR EXPENDITURES FROM FEDERAL FUNDS; AMENDING SECTION 17-2-107, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 17-2-107, MCA, is amended to read:

"**17-2-107. Accurate accounting records and interentity loans.** (1) The department shall record receipts and disbursements for treasury funds and for accounting entities within treasury funds and shall maintain records in a manner that reflects the total cash and invested balance of each fund and each accounting entity. The department shall adopt the necessary procedures to ensure that interdepartmental or intradepartmental transfers of money or loans do not result in inflation of figures reflecting total governmental costs and revenue.

(2) (a) Except as provided in 77-1-108 and subject to 17-2-105, when the expenditure of an appropriation from a fund designated in 17-2-102(1) through (3) is necessary and the cash balance in the accounting entity from which the appropriation was made is insufficient, the department may authorize a temporary loan, bearing no interest, of unrestricted money from other accounting entities if there is reasonable evidence that the income will be sufficient to repay the loan within 1 calendar year and if the loan is recorded in the state accounting records. An accounting entity receiving a loan or an accounting entity from which a loan is made may not be so impaired that all proper demands on the accounting entity cannot be met even if the loan is extended.

(b) (i) When an expenditure from a fund or subfund designated in 17-2-102(4) is necessary and the cash balance in the fund or subfund from which the expenditure is to be made is insufficient, the commissioner of higher education may authorize a temporary loan, bearing interest as provided in subsection (4) of this section, of money from the agency's other funds or subfunds if there is reasonable evidence that the income will be sufficient to repay the loan within 1 calendar year and if the loan is recorded in the state accounting records. A fund or subfund receiving a loan or from which a loan is made may not be so impaired that all proper demands on the fund or subfund cannot be met even if the loan is extended.

(ii) One accounting entity within each fund or subfund designated in 17-2-102(4) must be established for the sole purpose of recording loans between the funds or subfunds. This accounting entity is the only accounting entity within each fund or subfund that may receive a loan or from which a loan may be made.

(c) A loan made under subsection (2)(a) or (2)(b) must be repaid within 1 calendar year of the date on which the loan is approved unless it is extended under subsection (3) or by specific legislative authorization.

(3) Under unusual circumstances, the director of the department or the board of regents may grant one extension for up to 1 year for a loan made under subsection (2)(a) or (2)(b). The director or board shall prepare a written justification and proposed repayment plan for each loan extension authorized and shall furnish a copy of the written justification and proposed repayment

plan to the house appropriations and senate finance and claims committees at the next legislative session.

(4) Any loan from the current unrestricted subfund to funds designated in 17-2-102(4)(a)(iv) and (4)(b) through (4)(f) must bear interest at a rate equivalent to the previous fiscal year's average rate of return on the board of investments' short-term investment pool.

(5) If for 2 consecutive fiscal yearends a loan or an extension of a loan has been authorized to the same accounting entity as provided in subsection (2) or (3), the department or the commissioner of higher education shall submit to the legislative fiscal analyst by September 1 of the following fiscal year a written report containing an explanation as to why the second loan or extension was made, an analysis of the solvency of the accounting entity or accounting entities within the university fund or subfund, and a plan for repaying the loans. The report must be provided in an electronic format. The department or the commissioner of higher education shall provide a copy of the report to the legislature in accordance with 5-11-210.

(6) If for 2 consecutive fiscal yearends an accounting entity in a fund or subfund designated in 17-2-102(4) has a negative cash balance, the commissioner of higher education shall submit to the legislative fiscal analyst by September 1 of the following fiscal year a written report containing an explanation as to why the accounting entity has a negative cash balance, an analysis of the solvency of the accounting entity, and a plan to address any problems concerning the accounting entity's negative cash balance or solvency. The report must be provided in an electronic format. The commissioner of higher education shall provide a copy of the report to the legislature in accordance with 5-11-210.

(7) (a) *(i)* ~~An~~ *Except as provided in subsection (7)(a)(ii) of this section, an* accounting entity in a fund designated in 17-2-102(1) through (3) may not have a negative cash balance at fiscal yearend. ~~The~~ *Except as provided in subsection (9) of this section, the* department may~~, however,~~ allow a fund type within each agency to carry a negative balance at any point during the fiscal year if the negative cash balance does not exist for more than 7 working days.

(ii) An accounting entity in a federal special revenue fund described in 17-2-102(1)(b)(ii) may have a negative cash balance at fiscal yearend.

(b) (i) Except as provided in subsection (7)(b)(ii) of this section, a unit of the university system shall maintain a positive cash balance in the funds and subfunds designated in 17-2-102(4).

(ii) If a fund or subfund inadvertently has a negative cash balance, the department may allow the fund or subfund to carry the negative cash balance for no more than 7 working days. If the negative cash balance exists for more than 7 working days, a transaction may not be processed through the statewide accounting, budgeting, and human resource system for that fund or subfund.

(8) Notwithstanding the provisions of subsections (2) through (4), the department may authorize loans to accounting entities in the ~~federal and~~ state special revenue funds with long-term repayment whenever necessary because of the timing of the receipt of agreed-upon reimbursements from ~~federal,~~ private~~,~~ or other governmental entity sources for disbursements made. If possible, the loans must be made from funds other than the general fund. The department may approve the loans if the requesting agency can demonstrate that the total loan balance does not exceed total receivables from ~~federal,~~ private~~,~~ or other governmental entity sources and *that* receivables have been billed on a timely basis. The loan must be repaid under terms and conditions that may be determined by the department or by specific legislative authorization.

(9) ~~A loan may not be authorized under this section to any fund or accounting entity that is owed federal or other third-party funds~~ *Federal special revenue funds described in 17-2-102(1)(b)(ii) may not have a negative cash balance by fund type for more than 7 working days* unless the requesting agency certifies to the ~~agency approving the loan~~ *department* that it has and will continue to bill the federal government ~~or other third party~~ for the requesting agency's share of costs incurred in the fund or accounting entity on the earliest date allowable under federal ~~or other third-party~~ regulations applicable to the program. The requesting agency shall recertify its timely billing status to the ~~agency that approved the loan at least monthly during the term of the loan~~ *department for any month during which cash is negative for more than 7 working days*. If at any time the requesting agency fails to recertify the timely billing, ~~the agency that approved the loan shall cancel the loan and return the money to its original source~~ *a transaction may not be processed through the statewide accounting, budgeting, and human resource system for that fund or subfund.*

(10) A loan may not be authorized under this section to any fund or accounting entity that is owed third-party funds unless the requesting agency certifies to the department that it has billed and will continue to bill the third party for the requesting agency's share of costs incurred in the fund or accounting entity on the earliest date allowable under the third party's regulations applicable to the program. The requesting agency shall recertify its timely billing status to the department at least monthly during the term of the loan. If at any time the requesting agency fails to recertify the timely billing, a transaction may not be processed through the statewide accounting, budgeting, and human resource system for that fund or subfund."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved March 27, 2025

CHAPTER NO. 27

[HB 63]

AN ACT EXTENDING THE APPLICATION OF THE BOND VALIDATING ACT; AMENDING SECTION 17-5-205, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 17-5-205, MCA, is amended to read:

"**17-5-205. Application.** The application of the Bond Validating Act, Title 17, chapter 5, part 2, is extended to bonds issued and proceedings taken prior to ~~March 16, 2023~~ *[the effective date of this act]*."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved March 27, 2025

CHAPTER NO. 28

[HB 66]

AN ACT ADOPTING THE MOST RECENT FEDERAL MILITARY LAWS, REGULATIONS, AND CODES APPLICABLE TO THE GOVERNANCE OF THE MONTANA NATIONAL GUARD; AMENDING SECTION 10-1-104, MCA; AND PROVIDING AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 10-1-104, MCA, is amended to read:

"**10-1-104. Federal regulations to govern.** (1) Federal laws and regulations, forms, precedents, and usages relating to and governing the armed forces of the United States and the national guard, as in effect on October 1, ~~2023~~ *2025*, insofar as they are applicable and not inconsistent with the constitution and laws of this state or with a rule or regulation adopted pursuant to 10-1-105, apply to and govern the national guard of this state, including all members on active duty within the state as active duty guard/reserve (AGR) personnel under Title 32 of the United States Code.

(2) The Uniform Code of Military Justice, as in effect on October 1, ~~2023~~ *2025*, including the regulations, manuals, forms, precedents, and usages implementing, interpreting, and complementing the code, is adopted for use by the national guard of this state and applies, insofar as the code is not otherwise inconsistent with the constitution and laws of this state, including the regulations, manuals, forms, precedents, and usages implementing, interpreting, and complementing the constitution and laws of this state, or with a rule or regulation adopted pursuant to 10-1-105, to the greatest extent practicable to govern the national guard of this state, including all members on active duty within the state as active duty guard/reserve (AGR) personnel under Title 32 of the United States Code when the members are serving other than in a federal capacity under Title 10 of the United States Code."

Section 2. Applicability. [This act] applies to events that occur and proceedings begun on or after October 1, 2025.

Approved March 27, 2025

CHAPTER NO. 29

[HB 72]

AN ACT REVISING ENLISTED MILITIA COMPENSATION FOR STATE ACTIVE DUTY; REMOVING THE 15-DAY LIMITATION ON COMPENSATION; AMENDING SECTION 10-1-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 10-1-502, MCA, is amended to read:

"**10-1-502. Pay and allowances.** (1) An officer ordered into active duty as provided for in Article VI, section 13, of the constitution of this state must receive pay and allowances as prescribed for an officer of corresponding grade and length of service when on active duty in federal service.

(2) A rated aviation officer performing flying duties in support of a state declaration of emergency or disaster may receive pay at a rate comparable to the pay for other state employees engaged in aerial wildfire suppression efforts if the adjutant general determines that payment at that rate is appropriate.

(3) An enlisted member ordered into active duty as provided for in Article VI, section 13, of the constitution of this state must receive pay at rates equivalent to twice those allowed for an enlisted member of corresponding grade and length of time when on active duty in federal service. ~~This schedule of pay for enlisted members applies only to the first 15 days of service. After 15 days, an enlisted member must receive the pay and allowances as prescribed for an enlisted member of corresponding grade and length of service when on active duty in federal service.~~

(4) A national guard member placed on state duty for special work, as defined in 10-1-505, must receive the pay and allowances as prescribed for an officer or enlisted member of corresponding grade and length of service when on active duty in federal service.

(5) The pay and allowances provided for in subsections (1) and (2) may not be paid when pay and allowances for the active duty are provided out of federal funds."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved March 27, 2025

CHAPTER NO. 30

[HB 75]

AN ACT GENERALLY REVISING PUBLIC SAFETY OFFICER EMPLOYMENT, EDUCATION, AND CERTIFICATION STANDARDS; APPLYING CERTAIN PROVISIONS OF PEACE OFFICER CERTIFICATION STANDARDS TO ALL PUBLIC SAFETY OFFICERS; CLARIFYING TRAINING REQUIREMENTS WHEN NO BASIC EQUIVALENCY COURSE EXISTS FOR A PUBLIC SAFETY OFFICER'S SPECIFIC DISCIPLINE; AND AMENDING SECTION 44-4-404, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 44-4-404, MCA, is amended to read:

"**44-4-404. Appointing authority responsible for applying standards -- *training requirements.*** (1) It is the responsibility of a public safety officer's appointing authority to apply the employment standards and training criteria established by the council pursuant to this part, including but not limited to requiring the successful completion of minimum training standards within 1 year of the public safety officer's hire date and terminating the employment of a public safety officer for failure to meet the minimum standards established by the council pursuant to this part.

(2) (a) The provisions of 7-32-303(6), (7)(a), and (7)(d) apply to public safety officers in the public safety officer's specific discipline. Within 1 year of the public safety officer's most recent appointment, the public safety officer shall complete the applicable basic course if:

(i) no basic equivalency course exists in the public safety officer's discipline;

(ii) the public safety officer has attended the basic course required in 7-32-303(6); and

(iii) the public safety officer has a break in service of more than 3 years but less than 5 years.

(b) The requirements of subsection (2)(a) do not apply to reserve officers as defined in 7-32-201.

~~(2)~~*(3)* (a) A public safety officer's appointing authority may apply to the council on behalf of the public safety officer for an extension to complete the minimum training standards. The extension may not exceed 180 days. The application must explain the circumstances that make the extension necessary.

(b) When granting an extension, the council may consider the following factors:

(i) illness of the public safety officer or a member of the public safety officer's immediate family;

(ii) lack of reasonable access to the basic equivalency course;

(iii) an unreasonable shortage of personnel in the public safety officer's department; and

(iv) any other factors the council considers relevant.

~~(3)~~*(4)* (a) If a public safety officer who has not yet completed the minimum training standards is ordered to state or federal military duty within 1 year of the officer's hire date, the officer's employing agency shall notify the council within 10 days of the officer's departure for military duty. The public safety officer's 1-year period to complete minimum training standards must be stayed.

(b) Within 10 days of the public safety officer's return to the employing agency from military duty, the officer's employing agency shall notify the council. The public safety officer's 1-year period to complete minimum training standards must then resume."

Approved March 27, 2025

CHAPTER NO. 31

[HB 79]

AN ACT ALLOWING FOR A FIRE HAZARD REDUCTION AGREEMENT EXEMPTION FOR SMALL-SCALE ACTIVITIES, INCLUDING THE HARVESTING OF FIREWOOD; REQUIRING A WRITTEN EXEMPTION FOR CERTAIN MINIMUM SLASH HAZARD ACTIVITIES; AND AMENDING SECTIONS 76-13-401 AND 76-13-408, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 76-13-401, MCA, is amended to read:

"**76-13-401. Definitions.** As used in this part, the following definitions apply:

(1) "Certificate of clearance" means a certificate issued by the department acknowledging that the fire hazard has been reduced or managed in accordance with this part and the fire hazard reduction agreement or agreements.

(2) "Contractor" means the person who executes the fire hazard reduction agreement and is responsible to fulfill the obligations established by the agreement.

(3) "Department" means the department of natural resources and conservation provided for in Title 2, chapter 15, part 33.

(4) "Exemption certificate" means an exemption from the provisions of this part that must be granted by the department for the harvest of merchantable trees within the boundaries of an incorporated city or town.

(5) "Fire hazard" means slash and debris resulting from timber cutting, timber stand improvement, or right-of-way clearing operations that produce a cover of flammable material in which fire could spread through a cutting or adjacent area.

(6) "Fire hazard reduction agreement" means a contract made to ensure compliance with this part and with the rules adopted under 76-13-403 for fire hazard reduction or management on private forest lands.

(7) "Fire hazard reduction or management" means the abatement of a fire hazard on private forest lands by methods that include but are not limited to separation, removal, scattering, lopping, crushing, piling and burning, broadcast burning, burying, or chipping.

(8) "Forest product" means trees or their component parts, including but not limited to logs, poles, branches, or bark.

(9) "Master fire hazard reduction agreement" means a fire hazard reduction agreement between the department and persons engaged in continuing cutting operations of sufficient number and size to warrant covering these operations under a single agreement and a single bond.

(10) "Minimum slash hazard" means an amount of slash and debris generated by noncommercial activities *or small-scale activities*, which may include but are not limited to *harvesting sawlogs or firewood,* weeding, pruning, or clearing on private land within the state.

(11) "Person" means an individual, association, partnership, corporation, estate, or any other entity.

(12) "Private forest lands" means all lands of whatever character containing merchantable timber that are not owned by the state, a political subdivision of the state, the United States, any agency of the United States, or an Indian tribe.

(13) "Purchaser" means a person who purchases or contracts to purchase any forest products cut from private forest lands within the state. The term includes persons who purchase products manufactured on the cutting area.

(14) "Small-scale activity" means an activity in which the amount of forest products sold:

(a) does not exceed two log truck loads, each with a maximum of two trailers towed in tandem; or

(b) is less than 10,000 board feet (log scale) or an equivalent measure."

Section 2. Section 76-13-408, MCA, is amended to read:

"**76-13-408. Fire hazard reduction agreement and bond -- bond release and penalty -- exemption.** (1) Before cutting any forest product, constructing or reconstructing any road in contemplation of cutting any forest product, or conducting timber stand improvement, such as but not limited to precommercial thinning, weeding, or pruning, upon private forest lands within the state, the person conducting the work must be issued an exemption certificate by the department or shall provide for the reduction or management of the fire hazard to be created, except where a minimum slash hazard would exist, by entering into a fire hazard reduction agreement or a master fire hazard reduction agreement with the department, providing for the full and faithful compliance with all requirements under this part and the faithful reduction or management of the fire hazard in the manner prescribed by law and by rules adopted under this part.

(2) Either the person conducting the work or the purchaser, as provided in 76-13-409(2), shall post a bond to the state in a form and for an amount prescribed by the department, but the amount may not exceed $6 for each 1,000 board feet (log scale) or the equivalent if forest products other than logs are cut. Bond amounts for master fire hazard reduction agreements are calculated to cover the potential cost to the department for fire hazard abatement in case of default and are based on the average annual volume of uncompleted abatement. Master fire hazard reduction agreement bonds are to be administered as nonsite-specific umbrella bonds, for which the entire bond or any portion of the bond may be collected to pay for unabated fire hazards on all sites covered by the bond. The department shall review master fire hazard reduction agreement bond amounts at least annually. The bonds must be adjusted according to the volume of timber harvested and the level of compliance of the bond provider.

(3) The agreement must provide that:

(a) all fire hazard reduction or management work comprising nonburning methods and preparations for burning must be completed within 18 months of commencement of cutting in the area covered by the agreement; and

(b) all burning work must be completed as specified in the agreement and in compliance with rules adopted under this part.

(4) The bond must be released upon the issuance of the certificate of clearance. At the request of the fire hazard reduction agreement holder, cash

bonds for fire hazard reduction agreements exceeding 200,000 board feet, or the equivalent, must be partially released upon satisfactory completion of slash piling if the fire hazard reduction agreement holder has a record of compliance with the provisions of 76-13-407 or this section. The department may inspect the sites for which release or partial release is being requested, or it may rely on the submittal of a signed affidavit provided by the person posting the bond. A person that submits a fraudulent affidavit is subject to the penalty provisions of 45-7-202, may have other fire hazard reduction agreements revoked, or may be denied the issuance of fire hazard reduction agreements in the future.

~~(5) If a minimum slash hazard will be created, the activity is exempt from the provisions of this part.~~

(5) (a) An activity that creates a minimum slash hazard requires a written exemption from the department if forest products are sold. Only one written exemption may be issued for a parcel of land annually. The written exemption under this subsection (5)(a) must be provided to the purchaser at the time of delivery of the forest products being sold.

(b) An activity that creates a minimum slash hazard is exempt from the provisions of this part if no forest products are sold."

Approved March 27, 2025

CHAPTER NO. 32

[HB 80]

AN ACT MODIFYING THE USE OF CASH BASIS FOR COMPETITIVE BIDDING FOR STATE LAND AGRICULTURAL LEASES; AND AMENDING SECTIONS 77-6-203, 77-6-501, AND 77-6-506, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 77-6-203, MCA, is amended to read:

"**77-6-203. Bid deposit.** (1) A person bidding for the lease of state lands shall deposit with the department, as evidence of good faith, a certified check, cashier's check, or money order in an amount equal to 100% of the annual rental bid in the case of grazing land and an amount equal to $20 per acre for each acre of agricultural land contained in the lease in the case of agricultural land ~~on which the bid is made on a crop share basis~~.

(2) The department shall retain the deposit of the successful bidder, apply it on the rental for the first year of the lease only, and return any balance of the deposit at the end of the first year to the successful bidder. The department shall return the deposits of the unsuccessful bona fide bidders. If the department finds a bid has been submitted that is frivolous, forged, or a bad faith bid or a bid submitted for purposes of harassment, the deposit is forfeited. The department shall make a reasonable attempt to notify the bidder in writing of the forfeiture and *the* reasons ~~therefor~~ *for it*.

(3) If the successful bidder fails to execute the lease for any reason, the deposit is forfeited.

(4) The department shall credit all forfeited deposits to the interest and income account of the proper trust."

Section 2. Section 77-6-501, MCA, is amended to read:

"**77-6-501. Agricultural leases.** (1) For agricultural land, all leases except lease renewals ~~upon~~ *on* which the lessee has made improvements at the lessee's expense, as provided in subsection (3), *and except leases issued after competitive bidding pursuant to 77-6-202 or 77-6-205, as provided in subsection (4),* must be continued or made ~~upon~~ *on* a crop share rental basis of

not less than one-fourth of the annual crops to the state or the usual landlord's share prevailing in the district, whichever is greater. The board may, however, approve special crop share rentals of less than one-fourth for high production cost crops, such as but not limited to potatoes and sugar beets, or for high production cost methods when these methods would result in more income to the state. The board may not delegate the authority to approve special crop share rentals.

(2) Except in the case of cash lease renewals under subsection (3), if it is in the best interests of the state, the department may authorize a lease ~~upon~~ *on* other bases than crop share, but in these cases, the rental must at least equal the value of the usual landlord's share prevailing in the district under similar circumstances, and the department shall set forth in the records the conditions of the case and the rental to be charged.

(3) Subject to 77-1-134, in a case in which the lessee has made substantial improvements for irrigation purposes to the lease at the lessee's own expense, the department shall authorize a cash lease renewal at not less than $15 an acre on the portion of the lease that has been improved.

(4) For all agricultural leases issued through competitive bidding provided for under 77-6-202 or 77-6-205, the department shall require ~~on any competitive bid greater than a one-third crop share a minimum annual guarantee of not less than $15 an acre~~ *applicants to submit bids in the form of dollars per acre and shall issue the successful bidder a cash lease at the rate established through competitive bidding. Upon expiration of the first 10-year term of the cash lease, the lease may be renewed on a crop share rental basis of not less than one-fourth of the annual crops to the state or the usual landlord's share prevailing in the district, whichever is greater*.

(5) The department shall set annual hay prices based on round bales for agricultural leases under the jurisdiction of the regional land offices."

Section 3. Section 77-6-506, MCA, is amended to read:

"**77-6-506. Date when rental due -- penalty -- cancellation for nonpayment.** (1) For a grazing lease, for the grazing portion of a lease containing both agricultural and grazing land, and for agricultural leases not based on a crop share, the grazing rental for the first year of the lease must be paid at or before the time of the execution of the lease; however, in the case of a lease that takes effect on and after October 1 and before the expiration of the coming February, both the rental for the fractional year and for the next full year beginning March 1 must be paid and collected at the time of issuing the lease. If the United States is the lessee of state lands for grazing purposes, the rental is payable at the end of each year of the lease. The rental for each succeeding year on a lease issued after July 1, 1999, with the exception of a lease that involves the United States as the lessee, is due and payable before March 1. If the rental is not paid before March 1, a $25 penalty must be imposed on the lessee. If the full rental and the $25 penalty are not paid by April 1, the entire lease is canceled.

(2) For an agricultural lease and for the agricultural portion of a lease containing both grazing and agricultural land, when the rental is paid on a crop share basis*, on a cash lease basis,* or on a crop share/cash basis, the rental is due in cash on or before November 15 of the year in which the crop is harvested. If the rental is not paid on or before November 15 of the year of crop harvest, a $25 penalty must be imposed on the lessee. If the full rental and the $25 penalty are not paid on or before December 31 of the year in which the crop is harvested, the entire lease is canceled. The department may extend the deadline in writing. If the lessee does not make the rental payment by the date of extension, the entire lease is canceled. Any rental payment made after

November 15 of the year in which the crop is harvested, including payment made after an extension of the deadline, must include the $25 penalty.

(3) For all state land leases and licenses other than those described in subsections (1) and (2), the department shall impose a $25 penalty for failure to make a rental payment by any deadline established by statute, by rule, or in the lease or license.

(4) At least 2 weeks prior to the final deadline for payment under subsection (1) or (2), the department shall send by certified mail to each lessee who has not made payment a letter notifying the lessee that the lease is canceled if payment and the $25 penalty are not received by the final deadline. The notice must be sent to the lessee at the address given in the lease.

(5) When a lease is canceled under subsection (1) or (2), the department shall notify the lessee of the cancellation by letter at the address given in the lease.

(6) The department may, within 30 days of cancellation, reinstate a canceled agricultural, grazing, or other surface lease upon payment of the rental that is owing, plus a penalty not to exceed three times the annual rental, except that a penalty imposed under this subsection may not be less than $500.

(7) A canceled lease that is not reinstated must be made available for lease as provided in 77-6-202.

(8) The penalties collected pursuant to this section must be deposited into the same trust account as the rentals from the state land to which the penalties apply."

Approved March 27, 2025

CHAPTER NO. 33

[HB 121]

AN ACT PROVIDING FOR PRIVACY IN CERTAIN RESTROOMS, CHANGING ROOMS, AND SLEEPING QUARTERS; REQUIRING THAT COVERED ENTITIES DESIGNATE MULTI-OCCUPANCY RESTROOMS, CHANGING ROOMS, AND SLEEPING QUARTERS FOR THE EXCLUSIVE USE OF MALES OR FEMALES; REQUIRING THAT INDIVIDUALS USE RESTROOMS, CHANGING ROOMS, AND SLEEPING QUARTERS DESIGNATED FOR THEIR SEX; PROVIDING DEFINITIONS; PROVIDING EXCEPTIONS; PROVIDING REMEDIES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Purpose. The purposes of [sections 1 through 4] are to:

(1) reaffirm the longstanding meanings of the terms "sex", "male", and "female" in law; and

(2) preserve women's restrooms, changing rooms, and sleeping quarters for women in facilities where women have traditionally been afforded privacy and safety from acts of abuse, harassment, sexual assault, and violence committed by men.

Section 2. Definitions. For the purposes of [sections 1 through 4], the following definitions apply:

(1) "Changing room" means a room or area in which an individual may be in a state of undress in the presence of others, including a locker room or shower room.

(2) "Correctional center" means a facility that houses individuals charged with or convicted of a criminal offense and that is designed, constructed, or operated by the department of corrections.

(3) "Covered entity" means a correctional center, a juvenile detention facility, a local domestic violence program, a public building, or a public school.

(4) "Female" means a member of the human species who, under normal development, has XX chromosomes and produces or would produce relatively large, relatively immobile gametes, or eggs, during her life cycle and has a reproductive and endocrine system oriented around the production of those gametes. An individual who would otherwise fall within this definition, but for a biological or genetic condition, is female.

(5) "Juvenile detention facility" means a short-term detention center, a youth detention facility, including a regional detention facility, or a secure detention facility that is under contract with the state or a subdivision of the state.

(6) "Local domestic violence program" means a shelter or safe home for victims of domestic violence that is funded by the Family Violence Prevention and Services Act grant program established in 44-7-401.

(7) "Male" means a member of the human species who, under normal development, has XY chromosomes and produces or would produce small, mobile gametes, or sperm, during his life cycle and has a reproductive and endocrine system oriented around the production of those gametes. An individual who would otherwise fall within this definition, but for a biological or genetic condition, is male.

(8) "Multi-occupancy" means a space that is designed for use by multiple individuals simultaneously.

(9) "Public building" means a building that is owned or leased by a public agency as defined in 18-1-101 and that is open to the public, including but not limited to:

(a) a building that is used for educational, office, or institutional purposes; or

(b) a library, museum, school, hospital, auditorium, dormitory, or university building.

(10) "Public school" means a noncharter public school or a public charter school as those terms are defined in 20-6-803.

(11) "Restroom" means a room that includes one or more toilets or urinals.

(12) "Sex" means the organization of the body parts and gametes for reproduction in human beings and other organisms. In human beings, there are exactly two sexes, male and female, with two corresponding types of gametes. The sexes are determined by the biological and genetic indication of male or female, including sex chromosomes, naturally occurring sex chromosomes, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, behavioral, social, chosen, or subjective experience of gender.

(13) "Sleeping quarters" means a room with one or more beds and in which more than one individual is housed overnight.

Section 3. Safety and privacy in covered entities. (1) A covered entity shall designate each multi-occupancy restroom, changing room, or sleeping quarters for the exclusive use of females or males.

(2) A restroom, changing room, or sleeping quarters within a covered entity that is designated for females or males may be used only by members of that sex. Except as provided in subsection (4), an individual may not enter a restroom, changing room, or sleeping quarters that is designated for females or males unless the individual is a member of the designated sex.

(3) A covered entity shall take reasonable steps to provide individuals with privacy from members of the opposite sex in designated restrooms, changing rooms, and sleeping quarters.

(4) This section does not apply to an individual who enters a restroom, changing room, or sleeping quarters designated for the opposite sex:

(a) to perform custodial services or maintenance;

(b) to render medical assistance;

(c) to render law enforcement assistance; or

(d) to provide services or render aid during a natural disaster or declared emergency or if necessary to prevent a serious threat to good order and safety.

(5) (a) For any activity or event authorized by a public school during which students share sleeping quarters, a student may not be required to share sleeping quarters with a member of the opposite sex unless the other individual is a member of the student's family, such as a parent, guardian, sibling, or grandparent.

(b) In any other facility or setting in a public school where an individual may be in a state of undress in the presence of others, school personnel shall provide separate, private areas designated for use by individuals based on their sex. Except as provided in subsection (4), an individual may not enter a private area unless the individual is a member of the designated sex.

(6) This section may not be construed to prohibit a covered entity from:

(a) adopting policies necessary to accommodate individuals protected under the Americans with Disabilities Act of 1990 or young children or elderly persons in need of assistance;

(b) establishing single-occupancy restrooms, changing rooms, or sleeping quarters or family restrooms, changing rooms, or sleeping quarters; or

(c) redesignating a multi-occupancy restroom, changing room, or sleeping quarters designated for exclusive use by one sex to a designation for exclusive use by the opposite sex.

Section 4. Remedies. (1) An individual who, while accessing a restroom or changing room designated for use by the individual's sex, encounters another individual of the opposite sex in the restroom or changing room has a private cause of action for declaratory and injunctive relief, nominal damages, and any other appropriate relief against the covered entity that:

(a) provided the other individual permission to use a restroom or changing room designated for the opposite sex; or

(b) failed to take reasonable steps to prohibit the other individual from using the restroom or changing room designated for the opposite sex.

(2) An individual who is required by a covered entity to share sleeping quarters with an individual of the opposite sex has a private cause of action for declaratory and injunctive relief, nominal damages, and any other appropriate relief against the covered entity.

(3) (a) All civil actions brought pursuant to this section must be initiated within 2 years after the violation occurred.

(b) An individual aggrieved under this section who prevails in court may recover reasonable attorney fees and costs from the offending covered entity.

Section 5. Codification instruction. [Sections 1 through 4] are intended to be codified as a new part in Title 50, chapter 4, and the provisions of Title 50, chapter 4, apply to [sections 1 through 4].

Section 6. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 7. Effective date. [This act] is effective on passage and approval.

Approved March 27, 2025

CHAPTER NO. 34

[HB 195]

AN ACT REVISING THE NONECONOMIC DAMAGE LIMITATION APPLICABLE IN MEDICAL MALPRACTICE CASES; PROVIDING FOR ANNUAL INCREASES; PROVIDING APPLICABILITY TO FUTURE AND EXISTING MALPRACTICE CLAIMS; AMENDING SECTION 25-9-411, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 25-9-411, MCA, is amended to read:

"**25-9-411. (Temporary) Medical malpractice noneconomic damages limitation.** (1) (a) In a malpractice claim or claims against one or more health care providers based on a single incident of malpractice, an award for past and future damages for noneconomic loss may not exceed ~~$250,000~~ *the applicable noneconomic damage limit as provided in subsection (1)(c).* All claims for noneconomic loss deriving from injuries to a patient are subject to an award not to exceed ~~$250,000~~ *the applicable noneconomic damage limit as provided in subsection (1)(c).* This limitation applies whether:

(i) based on the same act or a series of acts that allegedly caused the injury, injuries, death, or deaths on which the action or actions are based; or

(ii) the act or series of acts were by one or more health care providers.

(b) If a single incident of malpractice injures multiple, unrelated patients, the limitation on awards contained in subsection (1)(a) applies to each patient and all claims deriving from injuries to that patient.

(c) The noneconomic damage limit is $300,000. The noneconomic damage limit increases as follows:

(i) $350,000, effective January 1, 2026;

(ii) $400,000, effective January 1, 2027;

(iii) $450,000 effective January 1, 2028;

(iv) $500,000 effective January 1, 2029; and

(v) effective January 1, 2030, and on January 1 of each subsequent year, the limit must be increased by 2% of the prior year's limit. The court administrator's office shall publish the adjusted limit within 14 days of January 1 of each year. Regardless of when the court administrator's office publishes the adjusted limit, the adjusted limit must go into effect on January 1 of each year.

(d) The limit on past and future noneconomic damages in subsection (1)(a) applicable to a claimant's claim is the limit, as adjusted pursuant to subsection (1)(c), that is in effect on the date the claimant first files a claim with the Montana medical legal panel. If the claim is not subject to the Montana Medical Legal Panel Act provided for in Title 27, chapter 6, the limit on past and future noneconomic damages pursuant to subsection (1)(a) that is applicable to a claimant's claim is the limit, as adjusted pursuant to subsection (1)(c), that is in effect on the date the claimant first files suit in Montana district court or any other court with jurisdiction over the case.

(2) (a) For *the* purposes of the limitation on awards contained in subsection (1), a claimant has the burden of proving separate injuries, each arising from a different act or series of acts. An award or combination of awards in excess of ~~$250,000~~ *the limit applicable to the claimant's claim* must be reduced to ~~$250,000~~ *the limit applicable as provided in subsection (1)*, after which the

court shall make other reductions that are required by law. If a combination of awards for past and future noneconomic loss is reduced in the same action, future noneconomic loss must be reduced first and, if necessary to reach the ~~$250,000 limit~~ *applicable limit*, past noneconomic loss must then be reduced. If a combination of awards is reduced to ~~$250,000~~ *the applicable limit*, a claimant's share of the ~~$250,000~~ *applicable limit* must be the same percentage as the claimant's share of the combined awards before reduction.

(b) For each claimant, further reductions must be made in the following order:

(i) first, reductions under 27-1-702;

(ii) second, reductions under 27-1-703; and

(iii) third, setoffs and credits to which a defendant is entitled.

(3) An award of future damages for noneconomic loss may not be discounted to present value.

(4) The ~~$250,000~~ *applicable* limit provided for in subsection (1) may not be disclosed to a jury.

(5) As used in this section, the following definitions apply:

(a) "Claimant" includes but is not limited to:

(i) a person suffering bodily injury;

(ii) a person making a claim as a result of bodily injury to or the death of another;

(iii) a person making a claim on behalf of someone who suffered bodily injury or death;

(iv) the representative of the estate of a person who suffered bodily injury or death; or

(v) a person bringing a wrongful death action.

(b) "Health care provider" means a physician, dentist, podiatrist, optometrist, chiropractor, physical therapist, or nurse licensed under Title 37 or a health care facility licensed under Title 50, chapter 5.

(c) "Malpractice claim" means a claim based on a negligent act or omission by a health care provider in the rendering of professional services that is the proximate cause of a personal injury or wrongful death.

(d) "Noneconomic loss" means subjective, nonmonetary loss, including but not limited to:

(i) physical and mental pain or suffering;

(ii) emotional distress;

(iii) inconvenience;

(iv) subjective, nonmonetary loss arising from physical impairment or disfigurement;

(v) loss of society, companionship, and consortium, other than household services;

(vi) injury to reputation; and

(vii) humiliation.

(e) "Patient" means a person who receives services from a health care provider. (Terminates on occurrence of contingency--sec. 11(2), Ch. 429, L. 1997.)

25-9-411. (Effective on occurrence of contingency) Medical malpractice noneconomic damages limitation. (1) (a) In a malpractice claim or claims against one or more health care providers based on a single incident of malpractice, an award for past and future damages for noneconomic loss may not exceed ~~$250,000~~ *the applicable noneconomic damage limit as provided in subsection (1)(c).* All claims for noneconomic loss deriving from injuries to a patient are subject to an award not to exceed ~~$250,000~~ *the*

applicable noneconomic damage limit as provided in subsection (1)(c). This limitation applies whether:

(i) based on the same act or a series of acts that allegedly caused the injury, injuries, death, or deaths on which the action or actions are based; or

(ii) the act or series of acts were by one or more health care providers.

(b) If a single incident of malpractice injures multiple, unrelated patients, the limitation on awards contained in subsection (1)(a) applies to each patient and all claims deriving from injuries to that patient.

(c) The noneconomic damage limit is $300,000, effective on [the effective date of this act]. The noneconomic damage limit increases as follows:

(i) $350,000, effective January 1, 2026;

(ii) $400,000, effective January 1, 2027;

(iii) $450,000 effective January 1, 2028;

(iv) $500,000 effective January 1, 2029; and

(v) effective January 1, 2030, and on January 1 of each subsequent year, the limit must be increased by 2% of the prior year's limit. The court administrator's office shall publish the adjusted limit within 14 days of January 1 of each year. Regardless of when the court administrator's office publishes the adjusted limit, the adjusted limit must go into effect on January 1 of each year.

(d) The limit on past and future noneconomic damages in subsection (1)(a) applicable to a claimant's claim is the limit, as adjusted pursuant to subsection (1)(c), that is in effect on the date the claimant first files a claim with the Montana medical legal panel. If the claim is not subject to the Montana Medical Legal Panel Act provided for in Title 27, chapter 6, the limit on past and future noneconomic damages pursuant to subsection (1)(a) that is applicable to a claimant's claim is the limit, as adjusted pursuant to subsection (1)(c), that is in effect on the date the claimant first files suit in Montana district court or any other court with jurisdiction over the case.

(2) (a) For *the* purposes of the limitation on awards contained in subsection (1), a claimant has the burden of proving separate injuries, each arising from a different act or series of acts. An award or combination of awards in excess of ~~$250,000~~ *the limit applicable to the claimant's claim* must be reduced to ~~$250,000~~ *the limit as provided in subsection (1)*, after which the court shall make other reductions that are required by law. If a combination of awards for past and future noneconomic loss is reduced in the same action, future noneconomic loss must be reduced first and, if necessary to reach the ~~$250,000~~ *applicable* limit, past noneconomic loss must then be reduced. If a combination of awards is reduced to ~~$250,000~~ *the applicable limit*, a claimant's share of the ~~$250,000~~ *applicable limit* must be the same percentage as the claimant's share of the combined awards before reduction.

(b) For each claimant, further reductions must be made in the following order:

(i) first, reductions under 27-1-702; and

(ii) second, setoffs and credits to which a defendant is entitled.

(3) An award of future damages for noneconomic loss may not be discounted to present value.

(4) The ~~$250,000~~ *applicable* limit provided for in subsection (1) may not be disclosed to a jury.

(5) As used in this section, the following definitions apply:

(a) "Claimant" includes but is not limited to:

(i) a person suffering bodily injury;

(ii) a person making a claim as a result of bodily injury to or the death of another;

(iii) a person making a claim on behalf of someone who suffered bodily injury or death;

(iv) the representative of the estate of a person who suffered bodily injury or death; or

(v) a person bringing a wrongful death action.

(b) "Health care provider" means a physician, dentist, podiatrist, optometrist, chiropractor, physical therapist, or nurse licensed under Title 37 or a health care facility licensed under Title 50, chapter 5.

(c) "Malpractice claim" means a claim based on a negligent act or omission by a health care provider in the rendering of professional services that is the proximate cause of a personal injury or wrongful death.

(d) "Noneconomic loss" means subjective, nonmonetary loss, including but not limited to:

(i) physical and mental pain or suffering;

(ii) emotional distress;

(iii) inconvenience;

(iv) subjective, nonmonetary loss arising from physical impairment or disfigurement;

(v) loss of society, companionship, and consortium, other than household services;

(vi) injury to reputation; and

(vii) humiliation.

(e) "Patient" means a person who receives services from a health care provider."

Section 2. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 3. Effective date. [This act] is effective on passage and approval.

Approved March 27, 2025

CHAPTER NO. 35

[HB 245]

AN ACT REVISING THE WORKFORCE DEVELOPMENT PROVISIONS AND THE TERMINATION DATE OF THE HEALTHY MONTANA HEALTH AND ECONOMIC LIVELIHOOD PARTNERSHIP ACT; REMOVING THE REQUIREMENT FOR CONTRACTING FOR TRAINING AND EDUCATION PROGRAMS; AMENDING SECTION 39-12-103, MCA; REPEALING SECTION 28, CHAPTER 368, LAWS OF 2015, SECTIONS 38 AND 48, CHAPTER 415, LAWS OF 2019, SECTION 17, CHAPTER 456, LAWS OF 2019, AND SECTIONS 3 AND 4, CHAPTER 318, LAWS OF 2021; AND PROVIDING EFFECTIVE DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 39-12-103, MCA, is amended to read:

"**39-12-103. ~~(Temporary)~~ Montana HELP Act workforce development -- participation ~~-- providers -- allowable activities --~~ report.** (1) The department shall provide individuals receiving assistance for health care services pursuant to Title 53, chapter 6, part 13, with the option of ~~taking part~~ *participating in an employment or reemployment assessment* in ~~a~~ *the* workforce development program *provided for in 39-12-101* to allow

the participant to increase the participant's earning capacity and economic stability. *The assessment must identify any probable barriers to employment that exist for the individual.*

(2) The department shall:

~~(a) assist program participants with completion of an employment or reemployment assessment; and~~

~~(b) contract with one or more private nonprofit or for-profit entities to provide workforce development services. The services must emphasize training in high-demand occupations, particularly in the health care field and in short-term certification programs for entry-level cybersecurity analysts~~ *contact each program participant subject to the community engagement requirements of 53-6-1308 and assist the participant with completion of an employment or reemployment assessment. Based on the results of the assessment, the department shall provide the participant with workforce development services.*

(3) Allowable workforce development services include:

(a) education and training; and

(b) supportive services that assist a program participant with the items or services necessary to participate in the workforce, including but not limited to supportive services involving clothing, transportation, and equipment needed to obtain or maintain employment.

(4) Entities contracting to provide workforce development services shall report quarterly to the department on the activities provided. At a minimum, the entities shall report on:

(a) the number of clients enrolled in program activities and co-enrolled in other workforce programs;

(b) the types of services provided;

(c) the number of clients who attained a credential or gained a measurable skill;

(d) the number of clients who exited the program;

(e) the number of clients who exited the program to employment;

(f) the number of clients who continued enrollment in the program;

(g) the amount and type of outreach the entity has done to recruit program participants; and

(h) the amount of money spent directly on participants.

(5) (a) The department shall notify the department of public health and human services when a participant has received all services and assistance under subsection (1) that can reasonably be provided to the individual.

(b) The department is not required to provide further services under this section after it has provided the notification provided for in subsection (5)(a).

(c) A participant who is no longer receiving services under this section does not meet the criteria of 53-6-1307(6)(c) for the exemption granted under 53-6-1307(6).

(6) The department shall report the following information to the legislative finance committee and the children, families, health, and human services interim committee in accordance with 5-11-210:

(a) the activities undertaken to establish the employer grant program provided for in 39-12-106;

(b) the number of employers receiving grant awards and the number and types of activities, training, or jobs the employers provided; and

(c) the services provided and the total cost of providing workforce development services under this chapter, including related administrative costs.

(7) To the extent possible, the department of public health and human services shall offset the cost of workforce development activities provided

under this section by using temporary assistance for needy families reserve funds.

(8) The department shall reduce fraud, waste, and abuse in determining and reviewing eligibility for unemployment insurance benefits by enhancing technology system support to provide knowledge-based authentication for verifying the identity and employment status of individuals seeking benefits, including the use of public records to confirm identity and to flag changes in demographics. ~~(Terminates June 30, 2025--secs. 38, 48, Ch. 415, L. 2019.)~~"

Section 2. Repealer. Section 28, Chapter 368, Laws of 2015, sections 38 and 48, Chapter 415, Laws of 2019, section 17, Chapter 456, Laws of 2019, and sections 3 and 4, Chapter 318, Laws of 2021, are repealed.

Section 3. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Section 1] is effective on October 1, 2025.

Approved March 27, 2025

CHAPTER NO. 36

[HB 300]

AN ACT GENERALLY REVISING LAWS REGARDING DISCRIMINATORY PRACTICES IN EDUCATION; PROVIDING THAT IT IS AN UNLAWFUL DISCRIMINATORY PRACTICE FOR AN EDUCATIONAL INSTITUTION TO ALLOW A MALE PERSON TO PARTICIPATE IN ATHLETIC PROGRAMS DESIGNATED FOR FEMALE PERSONS; PROVIDING THAT IT IS AN UNLAWFUL DISCRIMINATORY PRACTICE FOR AN EDUCATIONAL INSTITUTION TO FAIL TO PROVIDE A PERSON WITH ACCESS TO A RESTROOM, LOCKER ROOM, SHOWER AREA, OR SLEEPING QUARTER THAT IS INACCESSIBLE BY A PERSON OF THE OPPOSITE SEX WHILE IN USE; PROVIDING EXCEPTIONS; AND AMENDING SECTION 49-2-307, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 49-2-307, MCA, is amended to read:

"**49-2-307. Discrimination in education.** (1) It is an unlawful discriminatory practice for an educational institution:

(a) to exclude, expel, limit, or otherwise discriminate against an individual seeking admission as a student or an individual enrolled as a student in the terms, conditions, or privileges of the institution because of race, creed, religion, sex, marital status, color, age, physical disability, or national origin or because of mental disability, unless based on reasonable grounds;

(b) to make or use a written or oral inquiry or form of application for admission that elicits or attempts to elicit information or to make or keep a record concerning the race, color, sex, marital status, age, creed, religion, physical or mental disability, or national origin of an applicant for admission, except as permitted by regulations of the commission;

(c) to print, publish, or cause to be printed or published a catalog or other notice or advertisement indicating a limitation, specification, or discrimination based on the race, color, creed, religion, age, physical or mental disability, sex, marital status, or national origin of an applicant for admission; or

(d) to announce or follow a policy of denial or limitation of educational opportunities of a group or its members, through a quota or otherwise, because

of race, color, sex, marital status, age, creed, religion, physical or mental disability, or national origin.

(2) For the purposes of this section, it is not an unlawful discriminatory practice for a student to:

(a) call another student by the student's legal name; or

(b) refer to another student by the student's sex.

(3) It is an unlawful discriminatory practice for an educational institution that operates, sponsors, or facilitates athletic programs or activities to permit a person whose sex is male to participate in an athletic program or activity that is designated for females.

(4) It is an unlawful discriminatory practice for an educational institution to fail to provide an individual access to a restroom, locker room, shower area, or sleeping quarter that is not accessible by a person of the opposite sex while in use by the individual.

(a) This subsection (4) does not apply to a person who enters a restroom, locker room, shower area, or sleeping quarter designated for the opposite sex:

(i) for custodial or maintenance purposes;

(ii) to render medical assistance; or

(iii) during a natural disaster, emergency, or when necessary to prevent a serious threat to order or safety.

(b) Nothing in this subsection (4) may be construed to prohibit an educational institution from:

(i) adopting policies necessary to accommodate persons protected under the Americans with Disabilities Act of 1990, 42 U.S.C. 12101, et seq., young children in need of assistance, or elderly persons requiring aid;

(ii) establishing single-occupancy or family restrooms, locker rooms, shower areas, or sleeping quarters; or

(iii) redesignating a multi-occupancy restroom, locker room, shower area, or sleeping quarter from a designation for exclusive use by one sex to a designation for exclusive use by the opposite sex."

Section 2. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Approved March 27, 2025

CHAPTER NO. 37

[HB 431]

AN ACT ALLOWING THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO APPOINT A PERSON TO FILL CERTAIN ANTICIPATED VACANCIES ON THE JUDICIAL STANDARDS COMMISSION; AMENDING SECTION 3-1-1115, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 3-1-1115, MCA, is amended to read:

"**3-1-1115. Legislative nomination panel.** (1) There is a nomination panel made up of members of the house of representatives for the purposes of providing recommendations to the speaker of the house about appointments made as provided in 3-1-1101(1)(a). Within 3 days of the start of each regular legislative session, the speaker of the house shall appoint three representatives to the legislative nomination panel. The panel must have at least one member

from the minority party. If a vacancy occurs on the panel, the speaker may appoint a replacement.

(2) When a vacancy occurs *or a vacancy is anticipated to occur due to the expiration of a term* on the judicial standards commission in a position appointed as provided in 3-1-1101(1)(a), the speaker of the house shall notify the district court judges, who shall present the nomination panel with a list of all district court judges who are willing to serve as a commissioner. After consideration of the judges' qualifications, the nomination panel shall forward no fewer than three names to the speaker of the house, who shall select a commissioner from that pool of names.

(3) Members of the nomination panel serve until the start of the first regular session after their appointment unless they are reappointed.

(4) The nomination panel may meet between regular sessions of the legislature to fill vacancies."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved March 27, 2025

CHAPTER NO. 38

[HB 15]

AN ACT APPLYING INFLATIONARY ADJUSTMENTS TO SCHOOL FUNDING FORMULA COMPONENTS; AMENDING SECTION 20-9-306, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 20-9-306, MCA, is amended to read:

"**20-9-306. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "BASE" means base amount for school equity.

(2) "BASE aid" means:

(a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district;

(b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and 40% of the special education allowable cost payment;

(c) the total quality educator payment;

(d) the total at-risk student payment;

(e) the total Indian education for all payment;

(f) the total American Indian achievement gap payment;

(g) the total data-for-achievement payment; and

(h) the special education allowable cost payment.

(3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, 100% of the total quality educator payment, 100% of the total at-risk student payment, 100% of the total Indian education for all payment, 100% of the total American Indian achievement gap payment, 100% of the total data-for-achievement payment, and 140% of the special education allowable cost payment.

(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(6) "Basic entitlement" means:

(a) for each high school district:

(i) ~~$343,483 for fiscal year 2024 and $353,787~~ *$364,401 for fiscal year 2026 and $375,333* for each succeeding fiscal year for school districts with an ANB of 800 or fewer; and

(ii) ~~$343,483 for fiscal year 2024 and $353,787~~ *$364,401 for fiscal year 2026 and $375,333* for each succeeding fiscal year for school districts with an ANB of more than 800, plus ~~$17,175 for fiscal year 2024 and $17,690~~ *$18,221 for fiscal year 2026 and $18,768* for each succeeding fiscal year for each additional 80 ANB over 800;

(b) for each elementary school district or K-12 district elementary program without an approved and accredited junior high school, 7th and 8th grade program, or middle school:

(i) ~~$57,246 for fiscal year 2024 and $58,963~~ *$60,732 for fiscal year 2026 and $62,554* for each succeeding fiscal year for school districts or K-12 district elementary programs with an ANB of 250 or fewer; and

(ii) ~~$57,246 for fiscal year 2024 and $58,963~~ *$60,732 for fiscal year 2026 and $62,554* for each succeeding fiscal year for school districts or K-12 district elementary programs with an ANB of more than 250, plus ~~$2,863 for fiscal year 2024 and $2,949~~ *$3,037 for fiscal year 2026 and $3,128* for each succeeding fiscal year for each additional 25 ANB over 250;

(c) for each elementary school district or K-12 district elementary program with an approved and accredited junior high school, 7th and 8th grade program, or middle school:

(i) for the district's kindergarten through grade 6 elementary program:

(A) ~~$57,246 for fiscal year 2024 and $58,963~~ *$60,732 for fiscal year 2026 and $62,554* for each succeeding fiscal year for school districts or K-12 district elementary programs with an ANB of 250 or fewer; and

(B) ~~$57,246 for fiscal year 2024 and $58,963~~ *$60,732 for fiscal year 2026 and $62,554* for each succeeding fiscal year for school districts or K-12 district elementary programs with an ANB of more than 250, plus ~~$2,863 for fiscal year 2024 and $2,949~~ *$3,037 for fiscal year 2026 and $3,128* for each succeeding fiscal year for each additional 25 ANB over 250; and

(ii) for the district's approved and accredited junior high school, 7th and 8th grade programs, or middle school:

(A) ~~$114,493 for fiscal year 2024 and $117,928~~ *$121,466 for fiscal year 2026 and $125,110* for each succeeding fiscal year for school districts or K-12 district elementary programs with combined grades 7 and 8 with an ANB of 450 or fewer; and

(B) ~~$114,493 for fiscal year 2024 and $117,928~~ *$121,466 for fiscal year 2026 and $125,110* for each succeeding fiscal year for school districts or K-12 district elementary programs with combined grades 7 and 8 with an ANB of more than 450, plus ~~$5,724 for fiscal year 2024 and $5,896~~ *$6,073 for fiscal year 2026 and $6,255* for each succeeding fiscal year for each additional 45 ANB over 450.

(7) "Budget unit" means the unit for which the ANB of a district is calculated separately pursuant to 20-9-311.

(8) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.

(9) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, the total quality educator payment, the total at-risk student payment, the total Indian education for all payment, the total American Indian achievement gap payment, the total data-for-achievement payment, and the greater of the district's special education allowable cost payment multiplied by:

(a) 175%; or

(b) the ratio, expressed as a percentage, of the district's special education allowable cost expenditures to the district's special education allowable cost payment for the fiscal year that is 2 years previous, with a maximum allowable ratio of 200%.

(10) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and within the general fund budget limits established in 20-9-308 and calculated as provided in 20-9-141.

(11) "Total American Indian achievement gap payment" means the payment resulting from multiplying ~~$235 for fiscal year 2024 and $242~~ *$249 for fiscal year 2026 and $256* for each succeeding fiscal year times the number of American Indian students enrolled in the district as provided in 20-9-330.

(12) "Total at-risk student payment" means the payment resulting from the distribution of any funds appropriated for the purposes of 20-9-328.

(13) "Total data-for-achievement payment" means the payment provided in 20-9-325 resulting from multiplying ~~$22.89 for fiscal year 2024 and $23.58~~ *$24.29 for fiscal year 2026 and $25.02* for each succeeding fiscal year by the district's ANB calculated in accordance with 20-9-311.

(14) "Total Indian education for all payment" means the payment resulting from multiplying ~~$23.91 for fiscal year 2024 and $24.63~~ *$25.37 for fiscal year 2026 and $26.13* for each succeeding fiscal year times the ANB of the district or $100 for each district, whichever is greater, as provided for in 20-9-329.

(15) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations and using either the current year ANB or the 3-year ANB provided for in 20-9-311:

(a) for a high school district or a K-12 district high school program, a maximum rate of ~~$7,840 for fiscal year 2024 and $8,075~~ *$8,317 for fiscal year 2026 and $8,567* for each succeeding fiscal year for the first ANB, decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school, 7th and 8th grade program, or middle school, a maximum rate of ~~$6,123 for fiscal year 2024 and $6,307~~ *$6,496 for fiscal year 2026 and $6,691* for each succeeding fiscal year for the first ANB, decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school, 7th and 8th grade program, or middle school, the sum of:

(i) a maximum rate of ~~$6,123 for fiscal year 2024 and $6,307~~ *$6,496 for fiscal year 2026 and $6,691* for each succeeding fiscal year for the first ANB for

kindergarten through grade 6, decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of ~~$7,840 for fiscal year 2024 and $8,075~~ *$8,317 for fiscal year 2026 and $8,567* for each succeeding fiscal year for the first ANB for grades 7 and 8, decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB.

(16) "Total quality educator payment" means the payment resulting from multiplying ~~$3,566 for fiscal year 2024 and $3,673~~ *$3,783 for fiscal year 2026 and $3,896* for each succeeding fiscal year by the sum of:

(a) the number of full-time equivalent educators as provided in 20-9-327; and

(b) as provided in 20-9-324, for a school district meeting the legislative goal for competitive base pay of teachers, the number of full-time equivalent teachers that were in the first 3 years of the teacher's teaching career in the previous year.

(17) "Total special education allocation" means the state payment distributed pursuant to 20-9-321 that is the greater of the amount resulting from multiplying ~~$293.74 for fiscal year 2024 and $302.55~~ *$311.63 for fiscal year 2026 and $320.98* for each succeeding fiscal year by the statewide current year ANB or the amount of the previous year's total special education allocation."

Section 2. Effective date. [This act] is effective July 1, 2025.

Section 3. Applicability. [This act] applies to school fiscal years beginning on or after July 1, 2025.

Approved April 1, 2025

CHAPTER NO. 39

[HB 74]

AN ACT REVISING PRIVATE FISH POND LAWS AND COMMERCIAL TAKE OF FISH; REVISING LICENSING STANDARDS AND THE RENEWAL PROCESS FOR PRIVATE AND COMMERCIAL FISH PONDS; REPEALING PADDLEFISH CAVIAR SALES; PROVIDING FOR RECORDKEEPING; PROVIDING RULEMAKING AUTHORITY; INCREASING APPLICATION AND RENEWAL FEES; PROVIDING FOR PENALTIES; AMENDING SECTIONS 87-4-603, 87-4-606, 87-4-607, 87-6-202, 87-6-206, AND 87-6-707, MCA; REPEALING SECTION 87-4-601, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 87-4-603, MCA, is amended to read:

"**87-4-603. Fish pond license for private fish pond -- *site inspections* -- records.** (1) A person who owns or lawfully controls a private fish pond ~~may~~ *shall* apply to the department for a fish pond license. The licensee may stock the fish pond with fish procured from a lawful source. *The licensee may take fish from the pond in any manner.*

(2) The department may designate the species of fish that may be released in the pond and otherwise condition the license if*:*

(a) there is a possibility of fish escaping from the pond into adjacent streams or lakes*; or*

(b) in the department's determination, the pond poses a risk of introduction of a pathogen or an invasive species, as defined in 80-7-1003. ~~The licensee may take fish from the pond in any manner. Before a licensee may sell fish, eggs, or fry from the pond, the licensee shall furnish a corporate surety bond to the state for $500, conditioned to the effect that the licensee:~~

~~(a) will not sell fish or spawn from any of the public waters of this state or violate the conditions of the license; and~~

~~(b) will submit an annual report on transactions to the department pursuant to subsection (6).~~

~~(2) A person who owns or lawfully controls a fish pond that does not meet the requirements of subsection (3) but is determined by the department to not pose an unacceptable risk to game fish or fish species of concern in adjacent waters may apply to the department for a temporary fish pond license. The applicant shall abide by any condition of the license and the requirements governing private fish ponds in 87-4-606 and this section. A temporary license is valid for 1 year. An application for renewal must be made annually before the license expires.~~

(3) (a) "Private fish pond", as used in 87-4-606 and this section, means a body of water that does not exceed 500 surface acres, is determined by the department to not pose an unacceptable risk to game fish or fish species of concern in adjacent waters, *including a risk of introduction of a pathogen or an invasive species, as defined in 80-7-1003,* and is:

(i) created by artificial means *with an associated water right as defined in 85-2-102 that includes the appropriate beneficial use*; or

(ii) an instream pond with a tributary spring or stream that does not support game fish or fish species of special concern.

(b) The term does not include all other natural ponds or bodies of water, including streams or rivers and impoundments or reservoirs of or on a natural stream, river, lake, or pond.

(4) An applicant for licensing of an instream private fish pond shall present to the department verification that game fish or fish species of special concern do not occur in the tributary, spring, or stream and that the instream private fish pond does not pose an unacceptable risk to game fish or fish species of special concern in adjacent waters*, including a risk from the introduction of a pathogen or an invasive species as defined in 80-7-1003.* Verification must be in the form of:

(a) a formal report from a department-approved professional fisheries consultant; or

(b) other ~~reliable~~ *department-approved* data and documentation.

(5) The department may condition a fish pond license to require the construction, implementation, *operation,* and maintenance of measures or devices to prevent fish in a private fish pond from escaping into adjacent waters *and posing a risk of introduction of a pathogen or invasive species as defined in 80-7-1003. The department may deny a license if these conditions are not met.*

(6) *A licensee who sells fish, eggs, or fry from a private fish pond must meet these additional requirements:*

(a) The license must be renewed annually pursuant to 87-4-606.

(b) Before selling fish, eggs, or fry from the pond, the licensee must provide a corporate surety bond to the state for $2,500. This bond is conditioned on:

(i) maintaining compliance with the terms of the fish pond license issued to the person; and

(ii) not selling fish or spawn from any of the public waters of the state.

~~(a)~~*(c)* A licensee who sells fish or eggs *from a private fish pond* shall keep accurate records of:

(i) the species and quantities of fish or eggs sold or purchased;

(ii) dates of sales or purchases;

(iii) names of purchasers or sellers;

(iv) *fish health inspections or department certifications for the facility or pond, including dates and results;*

(v) a purchaser's private fish pond license number and verification that the license was valid for the species of fish or eggs purchased; and

~~(v)~~*(vi)* locations or addresses to or from which fish or eggs are transferred.

~~(b)~~*(d)* On or before January 31 of each year, a licensee who sells fish or eggs shall file a report with the department, on forms made available by the department, summarizing the records required under subsection ~~(6)(a)~~ *(6)(c)*.

(7) A person who owns or controls a private fish pond may request an inspection by the department to ascertain the presence of disease in fish or the illegal introduction of fish species. Whenever the department has reasonable cause to believe that a fish species in the pond may have been illegally introduced or may have a disease that may affect fish in another body of water, the department shall notify the landowner or landowner's agent by mail or in person of the intention to enter upon the land and shall enter only after notice has been given to the landowner or agent or after every reasonable effort has been made to notify the landowner and receive permission to enter upon the land. Thereafter, the department may enter upon land under the provisions of this subsection for the purposes of inspecting the pond, the species of fish in the pond, the presence of disease in a fish species, the construction of any impoundment, dam, or fish barrier, and the physical connection of a pond to an adjacent natural lake, pond, or body of water, including a stream or river. The department is responsible for actual damages to any property.

(8) If the department finds an illegal introduction of fish or the presence of disease in fish in a licensed private fish pond or a natural lake, pond, or body of water, the department shall consult with the landowner or the landowner's agent to determine the appropriate action unless an emergency exists. In an emergency situation, the department may order or take appropriate action to address any threat to the state's fisheries resources, including quarantine or destruction of fish, eggs, or the source of a disease. Whenever privately owned fish are destroyed and the private owner is not responsible for an illegal introduction or the introduction of fish with a disease, the department may replace the destroyed fish without charge to the private owner. A landowner or agent who has granted permission for the department to enter is not considered responsible for an illegal introduction of fish or disease unless proved otherwise.

(9) The department may adopt rules necessary for the regulation of private fish ponds as provided in this section, including but not limited to department certification of a health standard, frequency of department certification, pond design and function, inspections, reporting requirements, and other measures to prevent damage to public fish and wildlife resources."

Section 2. Section 87-4-606, MCA, is amended to read:

"**87-4-606. Term of fish pond license -- fees -- ~~site inspections~~ -- license not transferable -- exception for transfer -- *rulemaking*.** (1) Except as provided in subsections (3) and (4), a fish pond license issued pursuant to 87-4-603 is valid for ~~10~~ *10* years. *An application must be on a form prescribed by the department and must include the following to be considered correct and complete:*

(a) contact information concerning the property owner, and if applicable, the property management;

(b) an accurate and complete description of the pond location, including whether the pond is off stream or on stream, physical information concerning the construction and design of an off-stream pond, and a detailed plan of operation;

(c) documentation of lawful source of fish to be stocked;

(d) documentation of water right, as defined in 85-2-102.

(2) There is a ~~$10~~ *$600* application fee and a ~~$10~~ *$250* renewal fee for each fish pond license.

(3) (a) Except as provided in subsections (3)(b) and (4), a fish pond license expires on February 28 of the ~~10th~~ *10th* year ~~succeeding~~ *following* the year of issuance or renewal.

(b) A licensee who sells fish or eggs under 87-4-603 shall renew the license annually. The license expires on February 28 of the year ~~succeeding~~ *following* the year of issuance.

(c) *(i)* An application for renewal must be made before a license expires. *The renewal application must be made on a form prescribed by the department.*

(ii) The department ~~shall~~ *may* renew the license if the licensee has not violated ~~any~~ *a* condition upon which the license was granted and if the licensee has met all of the requirements governing private fish ponds in 87-4-603*, administrative rules,* and this section.

(iii) The department may only deny a renewal if the department receives documented, substantive, new information since the issuance of the original permit about the threat or risk to game fish or fish species of concern in adjacent waters.

(iv) If the department does not renew a license, the department shall:

(A) provide in writing to the applicant the reasons for not renewing;

(B) allow 30 days for a response from the applicant; and

(C) provide for a show cause hearing to address deficiencies and to craft a mitigation plan to the newly identified threat or risk. The department may agree to the mitigation plan and subsequently renew the license.

(4) A new license is required when a licensee proposes to plant a new species or stock a pond not designated in the original license.

(5) (a) Except as provided in subsection (5)(b), a fish pond license granted under 87-4-603 is not transferable.

(b) If ownership or control of the private fish pond changes, the new owner or operator shall apply to the department for a license transfer *on a form prescribed by the department*. The transfer must be approved by the department before the new owner or operator may continue operation of the private fish pond.

(c) A transferred license retains the remaining portion of the original license's term.

(d) There is a $250 application fee to transfer the fish pond license.

(6) The department may adopt rules necessary to implement the provisions of this section, including but not limited to the format and requirements of the application form, conditions for renewal licenses, and eligibility requirements for the transfer of licenses."

Section 3. Section 87-4-607, MCA, is amended to read:

"**87-4-607. Revocation of fish pond license -- *penalties and fines -- rulemaking*.** (1) ~~A fish pond license or a temporary fish pond license issued pursuant to 87-4-603 may be revoked for failure to operate or use the pond according to the terms or conditions of the license or any statute, rule, or order covering importation, transportation, or introduction of fish or eggs.~~

~~(2)~~ If the department discovers a violation ~~under this section~~ *of this part*, it may institute revocation proceedings after providing reasonable notice and

opportunity for a hearing to the licensee. After *the* hearing and upon proof of the violation, the department may revoke the fish pond license.

(2) The department may adopt rules necessary to implement the provisions of this section, including those related to compliance strategies, penalties, and fines."

Section 4. Section 87-6-202, MCA, is amended to read:

"**87-6-202. Unlawful possession, shipping, or transportation of game fish, bird, game animal, or fur-bearing animal.** (1) A person may not possess, ship, or transport all or part of any game fish, bird, game animal, or fur-bearing animal that was unlawfully killed, captured, or taken, whether killed, captured, or taken in Montana or outside of Montana.

(2) This section does not prohibit the possession, shipping, or transportation of:

(a) hides, heads, or mounts of lawfully killed, captured, or taken game fish, birds, game animals, or fur-bearing animals, except that the sale or purchase of a hide, head, or mount of a grizzly bear is prohibited, except as provided by federal law;

(b) naturally shed antlers or the antlers with a skull or portion of a skull attached from a game animal that has died from natural causes and that has not been unlawfully killed, captured, or taken or accidentally killed;

(c) the bones of an elk, antelope, moose, or deer that has died from natural causes and that has not been unlawfully killed, captured, or taken or accidentally killed;

~~(d) paddlefish roe as caviar under the provisions of 87-4-601;~~

~~(e)~~*(d)* captive-reared migratory waterfowl; or

~~(f)~~*(e)* salvaged antelope, deer, elk, or moose subject to 87-3-145.

(3) A person may not possess, ship, or transport live fish away from the body of water in which the fish were taken except:

(a) as provided in Title 87, chapter 4, part 6, or as specifically permitted by the laws of this state;

(b) fish species approved by the commission for use as live bait and subject to any restrictions imposed by the commission; or

(c) within the boundaries of the eastern Montana fishing district, as established by commission regulations.

(4) Except as provided in 87-3-310, possession of all or part of a dead game fish, bird, game animal, or fur-bearing animal is prima facie evidence that the person or persons in whose possession the fish, bird, or animal is found killed, captured, or took the fish, bird, or animal.

(5) The value of a game fish, bird, game animal, or fur-bearing animal that is unlawfully possessed, shipped, or transported must be determined from the schedules of restitution values in 87-6-906 and 87-6-907. The value of game fish, birds, game animals, or fur-bearing animals that are unlawfully possessed, shipped, or transported pursuant to a common scheme, as defined in 45-2-101, or as part of the same transaction, as defined in 46-1-202, may be aggregated in determining the value.

(6) The following penalties apply for a violation of this section:

(a) If a person is convicted or forfeits bond or bail after being charged with unlawful possession, shipping, or transportation of a game fish or bird and if the value of all or part of the game fish or bird or combination thereof does not exceed $1,000, the person shall be fined not less than $50 or more than $1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to

hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

(b) If a person is convicted or forfeits bond or bail after being charged with unlawful possession or transportation of a mountain sheep, moose, wild buffalo, caribou, mountain goat, black bear, or grizzly bear or any part of these animals and if the value of all or part of the animal or combination thereof does not exceed $1,000, the person shall be fined not less than $500 or more than $2,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person shall forfeit any current hunting, fishing, recreational use, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for 30 months from the date of conviction or forfeiture unless the court imposes a longer period.

(c) If a person is convicted or forfeits bond or bail after being charged with unlawful possession or transportation of a deer, antelope, elk, or mountain lion or any part of these animals and if the value of all or part of the animal or combination thereof does not exceed $1,000, the person shall be fined not less than $300 or more than $1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for 24 months from the date of conviction or forfeiture unless the court imposes a longer period.

(d) If a person is convicted or forfeits bond or bail after being charged with unlawful shipping of a mountain sheep, moose, wild buffalo, caribou, mountain goat, black bear, grizzly bear, deer, antelope, elk, or mountain lion or any part of these animals and if the value of all or part of the animal or combination thereof does not exceed $1,000, the person shall be fined not less than $50 or more than $1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

(e) If a person is convicted or forfeits bond or bail after being charged with unlawful possession, shipping, or transportation of a fur-bearing animal or pelt of a fur-bearing animal and if the value of all or part of the animal or combination thereof does not exceed $1,000, the person shall be fined not less than $100 or more than $1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for 24 months from the date of conviction or forfeiture unless the court imposes a longer period, and any pelts possessed unlawfully must be confiscated.

(f) If a person is convicted under this section or forfeits bond or bail after being charged with a violation of this section and if the value of all or part of the game fish, bird, game animal, or fur-bearing animal or combination thereof exceeds $1,000, the person shall be fined not more than $50,000 or be imprisoned in the state prison for a term not to exceed 5 years, or both. In addition, the person shall forfeit any current hunting, fishing, or trapping license or permit issued by this state and the privilege to hunt, fish, or trap in this state for not less than 3 years up to a revocation for life from the date of conviction.

(7) A person convicted of unlawful possession of more than double the legal bag limit may be subject to the additional penalties provided in 87-6-901.

(8) As used in this section:

(a) "lawfully killed, captured, or taken" means killed, captured, or taken in conformance with this title, the regulations adopted by the commission, and the rules adopted by the department under authority of this title;

(b) "possess" includes the act of killing, capturing, or taking a game fish, bird, game animal, or fur-bearing animal regardless of whether the person takes or retains physical possession of the fish, bird, or animal; and

(c) "unlawfully killed, captured, or taken" means not lawfully killed, captured, or taken.

(9) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 through 87-6-907."

Section 5. Section 87-6-206, MCA, is amended to read:

"**87-6-206. Unlawful sale of game fish, bird, game animal, or fur-bearing animal.** (1) A person may not purposely or knowingly sell, purchase, or exchange all or part of any game fish, bird, game animal, or fur-bearing animal.

(2) The value of the game fish, bird, game animal, or fur-bearing animal must be determined from the schedules of restitution values set out in 87-6-906 and 87-6-907. The value of game fish, birds, game animals, or fur-bearing animals that are sold, purchased, or exchanged pursuant to a common scheme, as defined in 45-2-101, or as part of the same transaction, as defined in 46-1-202, may be aggregated in determining the value.

(3) This section does not prohibit the:

(a) sale, purchase, or exchange of hides, heads, or mounts of game fish, birds, game animals, or fur-bearing animals that have been lawfully killed, captured, or taken, except that the sale or purchase of a hide, head, or mount of a grizzly bear is prohibited, except as provided by federal law;

(b) sale, purchase, or exchange of naturally shed antlers or the antlers with a skull or portion of a skull attached from a game animal that has died from natural causes and that has not been unlawfully killed, captured, or taken or accidentally killed;

(c) sale, purchase, or exchange of the bones of an elk, antelope, moose, or deer that has died from natural causes and that has not been unlawfully killed, captured, or taken or accidentally killed;

~~(d) donation, sale, purchase, or exchange of paddlefish roe as caviar under the provisions of 87-4-601;~~ or

~~(e)~~*(d)* sale, purchase, or exchange of captive-reared migratory waterfowl.

(4) If a person is convicted or forfeits bond or bail after being charged with a violation of this section and if the value of all or part of the game fish, bird, game animal, or fur-bearing animal or combination thereof does not exceed $1,000, then the person shall be fined not less than $50 or more than $1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person may be subject to forfeiture of any current hunting, fishing, or trapping license or permit issued by this state and the privilege to hunt, fish, or trap in this state for a period set by the court.

(5) If a person is convicted or forfeits bond or bail after being charged with a violation of this section and if the value of all or part of the game fish, bird, game animal, or fur-bearing animal or combination thereof exceeds $1,000, then the person shall be fined not more than $50,000 or be imprisoned in the state prison for not more than 5 years, or both. In addition, the person shall forfeit any current hunting, fishing, or trapping license or permit issued by this state and the privilege to hunt, fish, or trap in this state for not less than 3 years up to a revocation for life from the date of conviction.

(6) As used in this section:

(a) "lawfully killed, captured, or taken" means killed, captured, or taken in conformance with this title, the regulations adopted by the commission, and the rules adopted by the department under authority of this title; and

(b) "unlawfully killed, captured, or taken" means not lawfully killed, captured, or taken."

Section 6. Section 87-6-707, MCA, is amended to read:

"**87-6-707. Unlawful sale of fish or spawn.** (1) Except as provided in ~~87-4-601 and~~ subsections (2) and (3) ~~of this section~~, a person may not, for speculative purposes, for market, or for sale, catch game fish or remove or cause to be removed the eggs or spawn of any game fish in any way. A person may not sell or offer for sale game fish or the eggs or spawn from game fish.

(2) The restrictions of subsection (1) do not apply to the:

(a) catching of fish or the collecting of eggs or spawn in a private fish pond licensed under 87-4-603 by the owner of the pond;

(b) taking of fish by state authorities for the purpose of obtaining eggs for propagation in state fish hatcheries or by any person who receives a permit from the department to take eggs for use in a private fish pond licensed under 87-4-603;

(c) catching of whitefish by the holder of a valid fishing license fishing with hook and line or a rod in specified waters designated by rules of the commission;

(d) taking of whitefish by nets or traps in the Kootenai River and in its tributary streams within 1 mile of the Kootenai River under rules of the commission; or

(e) sale by the department of fish eggs produced from brood stock owned by the department but determined to be in excess of the department's needs.

(3) A person may possess and sell legally taken nongame fish as provided in 87-4-609 and rules adopted by the department pursuant to 87-4-609.

(4) A person convicted of a violation of this section shall be fined not less than $50 or more than $1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court."

Section 7. Repealer. The following section of the Montana Code Annotated is repealed:

87-4-601. Sale of fish or spawn.

Section 8. Effective date. [This act] is effective on passage and approval.

Approved April 3, 2025

CHAPTER NO. 40

[HB 78]

AN ACT GENERALLY REVISING PET INSURANCE; CREATING THE MONTANA PET INSURANCE ACT; PROVIDING DEFINITIONS; PROVIDING FOR INSURER DISCLOSURES; PROVIDING REQUIREMENTS FOR PET INSURANCE POLICIES; PROVIDING REQUIREMENTS FOR WELLNESS PROGRAMS; PROVIDING REQUIREMENTS FOR TRAINING REQUIREMENTS; AND PROVIDING RULEMAKING AUTHORITY.

Be it enacted by the Legislature of the State of Montana:

Section 1. Short title. [Sections 1 through 9] may be cited as the "Montana Pet Insurance Act."

Section 2. Scope and purpose. (1) The purpose of [sections 1 through 9] is to promote the public welfare by creating a comprehensive legal framework within which pet insurance may be sold in this state.

(2) The requirements of [sections 1 through 9] apply to pet insurance policies that are issued to a resident of this state and are sold, solicited, negotiated, or offered in this state, and policies or certificates that are delivered or issued for delivery in this state.

(3) All other applicable provisions of Title 33 continue to apply to pet insurance, except that specific provisions of [sections 1 through 9] supersede any general provisions of law that would otherwise be applicable to pet insurance.

Section 3. Definitions. (1) If a pet insurer uses any of the terms in [sections 1 through 9] in a policy of pet insurance, the pet insurer shall use the definition of each of those terms as set forth in this section and include the definition of the terms in the policy.

(2) Nothing in [sections 1 through 9] prohibits or limits the types of exclusions pet insurers may use in their policies or require pet insurers to have any of the limitations or exclusions defined below.

(3) As used in [sections 1 through 9], the following definitions apply:

(a) "Chronic condition" means a condition that can be treated or managed, but not cured.

(b) "Congenital anomaly or disorder" means a condition that is present from birth, whether inherited or caused by the environment, which may cause or contribute to illness or disease.

(c) "Hereditary disorder" means an abnormality that is genetically transmitted from parent to offspring and may cause illness or disease.

(d) "Orthopedic" refers to conditions affecting the bones, skeletal muscle, cartilage, tendons, ligaments, and joints. It includes but is not limited to elbow dysplasia, hip dysplasia, intervertebral disc degeneration, patellar luxation, and ruptured cranial cruciate ligaments. It does not include cancers or metabolic, hemopoietic, or autoimmune diseases.

(e) "Pet" means any domesticated animal normally maintained in or near the household of its owner. It does not include livestock as defined in 81-8-213 kept for any commercial purpose.

(f) "Pet insurance" means a property insurance policy that provides coverage for accidents and illnesses of pets.

(g) (i) "Preexisting condition" means any condition for which any of the following are true prior to the effective date of a pet insurance policy or during any waiting period:

(A) a veterinarian provided medical advice;

(B) the pet received previous treatment; or

(C) based on information from verifiable sources, the pet had signs or symptoms directly related to the condition for which a claim is being made.

(ii) A condition for which coverage is afforded on a policy cannot be considered a preexisting condition on any renewal of the policy.

(h) "Renewal" means to issue and deliver at the end of an insurance policy period a policy that supersedes a policy previously issued and delivered by the same pet insurer or affiliated pet insurer and that provides types and limits of coverage substantially similar to those contained in the policy being superseded.

(i) "Veterinarian" means an individual who holds a valid license to practice veterinary medicine under 37-18-305 or a similar state law in the jurisdiction in which the veterinarian practices.

(j) "Veterinary expenses" means the costs associated with medical advice, diagnosis, care, or treatment provided by a veterinarian, including but not limited to the cost of drugs prescribed by a veterinarian.

(k) "Waiting period" means the period of time specified in a pet insurance policy that is required to transpire before some or all of the coverage in the policy can begin. Waiting periods may not be applied to renewals of existing coverage.

(l) "Wellness program" means a subscription or reimbursement-based program that is separate from an insurance policy and that provides goods and services to promote the general health, safety, or wellbeing of the pet. A wellness program otherwise meeting the definition of insurance set forth in 33-1-201 is still subject to Title 33. This definition is not intended to classify a contract directly between a service provider and a pet owner that only involves the two parties as being insurance unless other indicia of an insurance contract also exist.

Section 4. Disclosures. (1) Before completing the sale of a pet insurance policy, a pet insurer transacting in pet insurance shall disclose the following to consumers:

(a) if the policy excludes coverage due to any of the following:

(i) a preexisting condition;

(ii) a hereditary disorder;

(iii) a congenital anomaly or disorder; or

(iv) a chronic condition;

(b) if the policy includes any other exclusions, the following statement: "Other exclusions may apply. Please refer to the exclusions section of the policy for more information."

(c) any policy provision that limits coverage through a waiting period or affiliation period, a deductible, coinsurance, or an annual or lifetime policy limit;

(d) whether the pet insurer reduces coverage or increases premiums based on the insured's claim history, the age of the covered pet or a change in the geographic location of the insured; and

(e) if the underwriting company differs from the brand name used to market and sell the product.

(2) As provided in this subsection (2), an insured has the right to examine and return the policy.

(a) Unless the insured has filed a claim under the pet insurance policy, pet insurance applicants have the right to examine and return the policy, certificate, or rider to the company or an insurance producer of the company within 15 days of its receipt and to have the premium refunded if, after examination of the policy, certificate, or rider, the applicant is not satisfied for any reason.

(b) Pet insurance policies, certificates, and riders must have a notice prominently printed on the first page or attached to the first page including specific instructions to accomplish a return. The following free look statement or language that is substantially similar must be included:

"You have 15 days from the day you receive this policy, certificate, or rider to review it and return it to the company if you decide not to keep it. You do not have to tell the company why you are returning it. If you decide not to keep it, simply return it to the company at its administrative office or to the agent/insurance producer that you bought it from, so long as you have not filed a

claim. You must return it within 15 days of the day you first received it. The company will refund the full amount of any premium paid within 30 days after it receives the returned policy, certificate, or rider. The premium refund will be sent directly to the person who paid it. The policy, certificate, or rider will be void as if it had never been issued."

(3) A pet insurer shall clearly disclose a summary description of the basis or formula on which the pet insurer determines claim payments under a pet insurance policy within the policy, prior to policy issuance.

(4) A pet insurer that uses a benefit schedule to determine claim payment under a pet insurance policy shall clearly disclose the applicable benefit schedule in the policy.

(5) A pet insurer that determines claim payments under a pet insurance policy based on usual and customary fees, or any other reimbursement limitation based on prevailing veterinary service provider charges, shall include a usual and customary fee limitation provision in the policy that clearly describes the pet insurer's basis for determining usual and customary fees and how that basis is applied in calculating claim payments.

(6) If a medical examination by a licensed veterinarian is required to effectuate coverage, the pet insurer shall clearly and conspicuously disclose the required aspects of the examination prior to purchase and disclose that examination documentation may result in a preexisting condition exclusion.

(7) Waiting periods and the requirements applicable to them must be clearly and prominently disclosed to consumers prior to the policy purchase.

(8) The pet insurer shall include a summary of all policy provisions required in subsections (1) through (7) in a separate document titled "Insurer Disclosure of Important Policy Provisions".

(9) In connection with the issuance of a new pet insurance policy, the pet insurer shall provide the consumer with a copy of the "Insurer Disclosure of Important Policy Provisions" document required pursuant to subsection (8) in at least 12-point type when it delivers the policy.

(10) (a) At the time a pet insurance policy is issued or delivered to a policyholder, the pet insurer shall include a written disclosure with the following information, printed in at least 12-point boldface type:

(i) the commissioner's mailing address, toll-free telephone number, and website address; and

(ii) the address and customer service telephone number of the pet insurer and the agent or broker of record, if the policy was issued or delivered by an agent or broker.

(b) The disclosures required in this section are in addition to any other disclosure requirements required by law or rules promulgated by the commissioner.

Section 5. Policy conditions. (1) A pet insurer may issue policies that exclude coverage on the basis of one or more preexisting conditions with appropriate disclosure to the consumer. The pet insurer has the burden of proving that the preexisting condition exclusion applies to the condition for which a claim is being made.

(2) (a) A pet insurer may issue policies that impose waiting periods upon effectuation of the policy that do not exceed 30 days for illnesses or orthopedic conditions not resulting from an accident. Waiting periods for accidents are prohibited.

(b) (i) A pet insurer utilizing a waiting period permitted in this subsection (2) shall include a provision in its contract that allows the waiting period to be waived upon completion of a medical examination. Pet insurers may require the examination to be conducted by a licensed veterinarian after the purchase of the policy.

(ii) A medical examination under this subsection (2)(b) must be paid for by the policyholder unless the policy specifies that the pet insurer will pay for the examination.

(iii) A pet insurer may specify elements to be included as part of the examination and require documentation of the included elements, provided the specifications do not unreasonably restrict a consumer's ability to waive the waiting periods in this subsection (2).

(c) Waiting periods, and the requirements applicable to them, must be clearly and prominently disclosed to consumers prior to the policy purchase.

(3) A pet insurer may not require a veterinary examination of the covered pet for the insured to have the insured's policy renewed.

(4) If a pet insurer includes any prescriptive, wellness, or noninsurance benefits in the policy form, then it is made part of the policy contract and must follow all applicable laws and regulations in Title 33.

(5) An insured's eligibility to purchase a pet insurance policy may not be based on participation, or lack of participation, in a separate wellness program.

Section 6. Sales practices for wellness programs. (1) A pet insurer and producer selling pet insurance may not:

(a) market a wellness program as pet insurance; or

(b) market a wellness program during the sale, solicitation, or negotiation of pet insurance.

(2) If a wellness program is sold by a pet insurer and producer:

(a) the purchase of the wellness program may not be a requirement to the purchase of pet insurance;

(b) the costs of the wellness program must be separate and identifiable from any pet insurance policy;

(c) the terms and conditions for the wellness program must be separate from any pet insurance policy;

(d) the products or coverages available through the wellness program may not duplicate products or coverages available through the pet insurance policy;

(e) the advertising of the wellness program may not be misleading and must be in accordance with this subsection (2); and

(f) the pet insurer and producer shall clearly disclose the following to consumers, printed in at least 12-point boldface type:

(i) that wellness programs are not insurance;

(ii) the address and customer service telephone number of the pet insurer and producer or broker of record, if the policy was issued or delivered by an agent or broker; and

(iii) the mailing address, telephone number, and website address for the commissioner's office.

(3) Coverages included in the pet insurance policy contract described as "wellness" benefits are insurance.

Section 7. Insurance producer training. (1) An insurance producer may not sell, solicit, or negotiate a pet insurance product until after the producer is appropriately licensed and has completed the required training identified in subsection (4), and completes the training once within every 24-month period after the initial training.

(2) The training requirements of this section may be approved as continuing education courses under Title 33, chapter 17, part 12.

(3) An insurer covered by [sections 1 through 9] shall ensure that its producers are trained under subsection (4) and that its producers have been appropriately trained on the coverages and conditions of its pet insurance products.

(4) The training required under this subsection must include 2 total hours of training covering the following topics:

(a) preexisting conditions and waiting periods;

(b) the differences between pet insurance and noninsurance wellness programs;

(c) hereditary disorders, congenital anomalies or disorders, and chronic conditions and how pet insurance policies interact with those conditions or disorders; and

(d) rating, underwriting, renewal, and other related administrative topics.

(5) The satisfaction of the training requirements of another state that are substantially similar to the provisions of subsection (4) satisfy these training requirements.

(6) (a) An insurer subject to this section shall obtain verification that an insurance producer acting on the insurer's behalf receives the training required by this section before the insurance producer is permitted to sell, solicit, or negotiate the insurer's pet insurance products.

(b) The insurer shall maintain records subject to this state's record retention requirements and make the verification of the insurance producer's compliance with training requirements available to the commissioner upon request.

Section 8. Rulemaking. The commissioner may adopt rules implementing [sections 1 through 9].

Section 9. Violations. Violations of [sections 1 through 9] are subject to penalties and remedies set forth in 33-1-317, 33-1-318, and Title 33, chapter 18.

Section 10. Codification instruction. [Sections 1 through 9] are intended to be codified as a new part in Title 33, chapter 24, and the provisions of Title 33, chapter 24, apply to [sections 1 through 9].

Approved April 3, 2025

CHAPTER NO. 41

[HB 81]

AN ACT CHANGING SUPERVISION OF THE VETERANS' AFFAIRS DIVISION ADMINISTRATOR; MOVING SUPERVISION FROM THE BOARD OF VETERANS' AFFAIRS TO THE ADJUTANT GENERAL; AND AMENDING SECTION 10-2-102, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 10-2-102, MCA, is amended to read:

"**10-2-102. Duties of board -- employee qualifications.** (1) The board shall establish a statewide service for veterans and their families as provided in this section. The board shall:

(a) actively cooperate with local, state, and federal agencies whose services encompass the affairs of veterans and their families;

(b) promote the general welfare of all veterans and their families;

(c) assist veterans and their families who are residents of this state in filing claims for the benefits to which they are entitled. In carrying out this duty, the board and its accredited employees shall, upon the request of an eligible claimant, act as agents for the claimant in developing and presenting claims for benefits provided under Title 38 of the United States Code. The board shall seek to secure speedy and just action for each claimant. A board employee officially acting as an agent on behalf of a claimant must be properly accredited and recognized pursuant to 38 CFR 14.628 and 14.629.

(d) officially advocate for the fair treatment of Montana's veterans and their families by the U.S. department of veterans affairs with respect to claims processing, health care services, and other veteran-related programs and inform veterans and their family members of all available grievance procedures;

(e) develop and implement an information and communication program to keep veterans and their family members informed about available federal, state, and community-based services and benefits. The program may include but is not limited to:

(i) development and distribution of a services and benefits directory;

(ii) regular public service announcements through various media;

(iii) information to assist veterans and their family members in obtaining federal benefits and treatment services related to depleted uranium exposure, including a best practice health screening of any veteran who:

(A) has been identified pursuant to department of defense policy as having possible level I, II, or III exposure to depleted uranium;

(B) is referred for a health screening by a military physician; or

(C) may have been exposed to depleted uranium during service in a combat zone.

(iv) an internet website with information and links relevant to veterans and their families and including information about board meetings and activities related to veterans' affairs; and

(v) a quarterly newsletter, which may be printed or electronically distributed by e-mail or by posting it to an appropriate website.

(f) seek grants to help fund veterans' programs established pursuant to this section;

(g) develop a memorandum of understanding with the federal veterans' employment and training service and with other appropriate entities to facilitate interagency cooperation, such as resource sharing, cross-training, data and information sharing, and service delivery coordination;

(h) establish management tools, including but not limited to needs assessments, policy statements, program goals and objectives, performance measures, and program evaluation criteria;

(i) prepare a biennial report to the governor, the department of military affairs, the state administration and veterans' affairs interim committee in accordance with 5-11-210, and veterans' service organizations. The report must include but is not limited to Montana veteran demographic information, the financial impact of division benefit claim services received by Montana veterans, and a summary of the general and special revenue budgets and expenditures for veterans' affairs.

(j) request legislation responsive to identified needs.

(2) Employees of the board must be residents of this state. Whenever possible, all employees of the board must have served in the military forces of the United States during World War I, World War II, the Korean war, the Vietnam conflict, or other period of conflict involving the United States military overseas and must have been honorably discharged. Preference for employment must be given to disabled veterans.

(3) The ~~board~~ *adjutant general* shall hire an administrator to implement board policy and carry out the duties of the board."

Approved April 3, 2025

CHAPTER NO. 42

[HB 90]

AN ACT PROVIDING FOR THE REAPPRAISAL OF NONCENTRALLY ASSESSED REAL PROPERTY ON A 2-YEAR CYCLE; AMENDING SECTION 15-7-111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-7-111, MCA, is amended to read:

"**15-7-111. Periodic reappraisal of certain taxable property.** (1) (a) The department shall administer and supervise a program for the reappraisal of all taxable property within class three under 15-6-133, class four under 15-6-134, and class ten under 15-6-143 as provided in this section. ~~All~~ *Except as provided in subsection (1)(b):*

(i) all real property and all property within class three, class four, and class ten must be revalued every 2 years*; and*~~. Except as provided in (1)(b),~~

(ii) all other property must be revalued annually.

(b) ~~Beginning January 1, 2024, all~~ *All* centrally assessed property *and all real property valued with centrally assessed property* must be revalued in the time periods provided for in 15-23-101(2).

(2) The department shall value newly constructed, remodeled, or reclassified property in a manner consistent with the valuation within the same class and the values established pursuant to subsection (1). The department shall adopt rules for determining the assessed valuation of new, remodeled, or reclassified property within the same class.

(3) The reappraisal of class three, class four, and class ten property is complete on December 31 of every second year of the reappraisal cycle.

(4) During the second year of each reappraisal cycle, the department shall provide the revenue interim committee with a report, in accordance with 5-11-210, of tax rates for the upcoming reappraisal cycle that will result in taxable value neutrality for each property class.

(5) The department shall administer and supervise a program for the reappraisal of all taxable property within class three, class four, and class ten. The department shall adopt a reappraisal plan by rule. The reappraisal plan adopted must provide that all class three, class four, and class ten property in each county is revalued by January 1 of the second year of the reappraisal cycle, effective for January 1 of the following year, and each succeeding 2 years.

(6) (a) In completing the appraisal or adjustments under subsection (5), the department shall, as provided in the reappraisal plan, conduct individual property inspections, building permit reviews, sales data verification reviews, and electronic data reviews. The department may adopt new technologies for recognizing changes to property.

(b) The department shall conduct a field inspection of a sufficient number of taxable properties to meet the requirements of subsection (5).

(7) (a) In each notice of reappraisal sent to a taxpayer, the department, with the support of the department of administration, shall provide to the taxpayer information on:

(i) the consumer price index adjusted for population and the average annual growth rate of Montana personal income; and

(ii) the estimated annualized change in property taxes levied over the previous 10 years by the state, county, and any incorporated cities or towns within the county and local school average mills by county.

(b) In every even-numbered year, the department shall publish in a newspaper of general circulation in each county the information required pursuant to subsection (7)(a) by the second Monday in October."

Section 2. Effective date. [This act] is effective on passage and approval.

Section 3. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to property tax years beginning after December 31, 2024.

Approved April 3, 2025

CHAPTER NO. 43

[HB 95]

AN ACT REVISING LAWS RELATED TO TRAPPING OR HUNTING BEAVER OR MUSKRAT THAT CAUSE INJURY TO CERTAIN STRUCTURES; ADDING RURAL OR URBAN STRUCTURES TO THE LIST OF INJURED STRUCTURES; AMENDING SECTION 87-6-602, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 87-6-602, MCA, is amended to read:

"**87-6-602. Trapping during closed season -- *exception*.** (1) A person may not trap or hunt or attempt to trap or hunt any fur-bearing animal until the commission provides an open season on any fur-bearing animal. The furs and hides of fur-bearing animals legally taken during the open season may be possessed, bought, and sold at any time except as provided by law.

~~(2) When it is shown that muskrats or beaver are causing severe injury to or are a menace to the structures, canal banks, or other works of an irrigation project or district or to a stock water pond, any employee or resident landowner on the project or district may kill or trap or cause to be killed or trapped any muskrat or beaver upon or in menacing proximity to the structures, canal banks, or other works of the project or district or the stock water pond during the closed season on muskrats or beaver after having secured from the director a permit to do so, except that from June 1 to August 31 of each year, a permit is not required.~~

(2) (a) The director or a designee of the director may issue a permit to hunt or trap beaver or muskrat to a resident landowner or employee of an irrigation project or district or to an owner or employee of an entity owning rural or urban developed structures when it is shown that beaver or muskrat are causing severe injury or are a menace to:

(i) the structures, canal banks, or other works of an irrigation project or district;

(ii) a stock water pond; or

(iii) other rural or urban developed structures.

(b) (i) Except as provided in subsection (2)(b)(ii), a permit to hunt or trap beaver or muskrat is required under this section.

(ii) Between June 1 and August 31 of each year, a permit to hunt or trap beaver or muskrat is not required.

(3) A person convicted of a violation of this section shall be fined not less than $100 or more than $1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for 24 months from the date of conviction or forfeiture unless the court imposes a longer period, and any pelts possessed unlawfully must be confiscated.

(4) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 and 87-6-906."

Section 2. Effective date. [This act] is effective September 1, 2025.

Approved April 3, 2025

CHAPTER NO. 44

[HB 96]

AN ACT CREATING A TRAPPING APPRENTICE CERTIFICATE PROGRAM; REVISING THE APPRENTICE HUNTING CERTIFICATE PROGRAM TO INCLUDE HUNTING AND TRAPPING; ESTABLISHING CRITERIA FOR APPRENTICE AND MENTOR ELIGIBILITY; REVISING LICENSES AND TAGS THAT MAY BE ACQUIRED BY AN APPRENTICE; AND AMENDING SECTIONS 87-2-105, 87-2-520, AND 87-2-810, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 87-2-105, MCA, is amended to read:

"**87-2-105. Hunter safety and education required.** (1) Except for a youth who qualifies for a license pursuant to 87-2-805(4) or a person who has been issued an apprentice ~~hunting~~ certificate pursuant to 87-2-810, a hunting license may not be issued to a person born after January 1, 1985, unless the person authorized to issue the license determines proof of completion of:

(a) a Montana hunter safety and education course established in subsection (4) or (6);

(b) a hunter safety course in any other state or province; or

(c) a Montana hunter safety and education course that qualifies the person for a provisional certificate as provided in 87-2-126.

(2) A hunting license may not be issued to a member of the regular armed forces of the United States or to a member of the armed forces of a foreign government attached to the armed forces of the United States who is assigned to active duty in Montana and who is otherwise considered a resident under 87-2-102(1) or to a member's spouse or dependent, as defined in 87-2-102, who resides in the member's household, unless the person authorized to issue the license determines proof of completion of a hunter safety and education course approved by the department or a hunter safety course in any state or province.

(3) A bow and arrow license may not be issued to a resident or nonresident unless the person authorized to issue the license receives an archery license issued for a prior hunting season or determines proof of completion of a bowhunter education course from the national bowhunter education foundation or any other bowhunter education program approved by the department. Neither the department nor the license agent is required to provide records of past archery license purchases. As part of the department's bow and arrow licensing procedures, the department shall notify the public regarding bowhunter education requirements.

(4) The department shall provide for a hunter safety and education course that includes instruction in the safe handling of firearms and for that purpose may cooperate with any reputable organization having as one of its objectives the promotion of hunter safety and education. The department may designate as an instructor any person it finds to be competent to give instructions in hunter safety and education, including the handling of firearms. A person appointed shall give the course of instruction and shall issue a certificate of completion from Montana's hunter safety and education course to a person successfully completing the course.

(5) The department shall provide for a course of instruction from the national bowhunter education foundation or any other bowhunter education program approved by the department and for that purpose may cooperate with any reputable organization having as one of its objectives the promotion of safety in the handling of bow hunting tackle. The department may designate as an instructor any person it finds to be competent to give bowhunter education instruction. A person appointed shall give the course of instruction and shall issue a certificate of completion to a person successfully completing the course.

(6) The department may develop an adult hunter safety and education course.

(7) The department may adopt rules regarding how a person authorized to issue a license determines proof of completion of a required course."

Section 2. Section 87-2-520, MCA, is amended to read:

"**87-2-520. Supplemental game damage license -- terms and conditions.** (1) If at any time the department determines, in conjunction with a landowner or a designated lessee acting as an agent for a landowner, that game animals on the property are causing a level of damage to crops or other vegetation that merits removal of a specific number of game animals or that the taking of a specific number of game animals is advisable for game management purposes, the department may issue nontransferable resident and nonresident supplemental game damage hunting licenses for game management purposes on the property.

(2) Supplemental game damage hunting licenses may be issued only for antlerless animals and may be issued only for use on lands eligible for game damage assistance pursuant to 87-1-225. A landowner may not charge a fee to a hunter using a license obtained pursuant to this section.

(3) Supplemental game damage licenses may be issued to hunters as an alternative to issuing a kill permit to a landowner.

(4) (a) In a hunting district with unlimited license quotas, a landowner may designate the resident supplemental game damage license recipient ~~upon~~ *on* approval of issuance, including a recipient who has obtained an apprentice ~~hunting~~ certificate pursuant to 87-2-810.

(b) In a hunting district with limited permit quotas, a landowner may designate up to 75% of the resident supplemental game damage license recipients, with the remainder of the licenses offered to hunters in a manner prescribed by the department.

(5) If additional supplemental game damage licenses are available, the department may issue those licenses to resident and nonresident hunters.

(6) A licensee shall pay the regular license price or an adjusted price set by the commission for any supplemental game management license issued pursuant to subsection (1). Issuance of a supplemental game damage license authorizes the licensee to hunt, take, and possess the game animal designated on the license. All hunting under a supplemental game damage license must be conducted on the property designated on the license and in accordance with department regulations."

Section 3. Section 87-2-810, MCA, is amended to read:

"**87-2-810. Apprentice ~~hunting~~ certificate.** (1) A person who is 10 years of age or older and who has not completed a hunter safety and education course pursuant to 87-2-105 *or a trapper education course pursuant to 87-2-127* is eligible to use an apprentice ~~hunting~~ certificate that entitles the holder to obtain and use hunting licenses and permits *or a Class C or Class C-2 trapping license* in accordance with this title and the provisions of this section.

(2) A person may obtain an apprentice ~~hunting~~ certificate for no more than 2 license years before the person shall complete a Montana hunter safety and

education course pursuant to 87-2-105 *to be eligible for hunting licenses or a trapper education course pursuant to 87-2-127 to be eligible for trapping licenses*. Completing a Montana hunter safety and education course *or a trapper education course* prior to turning 12 years of age does not ~~preclude~~ *prevent* a person who is at least 10 years of age from being eligible to obtain and use ~~hunting~~ licenses pursuant to this section. ~~As used in this subsection, "completing a Montana hunter safety and education course" means passing a hunter safety and education course or a bowhunter education course provided pursuant to 87-2-105(4) through (6), including the required test and field day.~~

(3) A person who obtains an apprentice ~~hunting~~ certificate must be in the company of a mentor when hunting *and trapping* and shall conduct all hunting *and trapping* in accordance with this section and within the terms and conditions of the license or permit issued.

(4) To qualify as a mentor who will accompany an apprentice ~~hunter~~, a person must:

(a) be at least 21 years of age;

(b) if the apprentice ~~hunter~~ is under 18 years of age, be related to the apprentice ~~hunter~~ by blood, adoption, or marriage, be the legal guardian of the apprentice ~~hunter~~, or be a person designated by a parent or legal guardian as being capable and qualified to assist the apprentice ~~hunter~~;

(c) *if serving as hunting mentor,* have completed a hunter safety and education course pursuant to 87-2-105 *and have a current hunting license;*

(d) if serving as a trapping mentor, have completed a trapper education course pursuant to 87-2-127 and have a current trapping license;

~~(d) have a current Montana hunting license;~~

(e) have agreed to accompany and supervise the apprentice ~~hunter~~ and remain within sight of and direct voice contact with the apprentice ~~hunter~~ at all times while in the field; and

(f) confirm that the apprentice ~~hunter~~ possesses the physical and psychological capacity to safely and ethically engage in hunting *and trapping* activities.

(5) Subject to the conditions of this section, the department shall issue an apprentice ~~hunting~~ certificate ~~upon~~ *on* payment of a fee of $5. This fee must be deposited in the state special revenue fund account to the credit of the department for hunter education purposes.

(6) The department shall issue an apprentice ~~hunting~~ certificate that allows an apprentice ~~hunter~~ to be accompanied by multiple mentors.

(7) Except as provided in subsection (8), a person who obtains an apprentice ~~hunting~~ certificate may purchase any unlimited hunting license or permit by any applicable deadline for the fee established pursuant to this chapter, including:~~-~~

~~(a)~~ a reduced cost license for which the applicant qualifies. An apprentice ~~hunter~~ who is under 12 years of age is eligible to obtain the unlimited reduced cost licenses available to a person who is 12 years of age.

~~(b) a wild turkey tag if it is issued in an unlimited number.~~

(8) A person who obtains an apprentice ~~hunting~~ certificate is not eligible:

(a) to obtain a Class A-2 special bow and arrow license without having:

(i) completed a bowhunter education course; and

(ii) turned 12 years of age by January 16 of the license year;

~~(b) to obtain a black bear license;~~

~~(c) to obtain a mountain lion license;~~

~~(d) to obtain a Class D-3 resident hound training license;~~

~~(e) to obtain a wolf license;~~

(b) to obtain a black bear license;

(c) to obtain a mountain lion license;

(d) to obtain a Class D-3 resident hound training license;

(e) to obtain a wolf license;

~~(f)~~*(f)* to participate in a drawing *with a limited quota;* ~~with a limited quota;~~

~~(g) to obtain a mountain sheep license in any area where the licenses are issued in unlimited numbers; or~~

~~(h) to obtain an elk license if the apprentice hunter is under 15 years of age.~~

(g) to obtain a mountain sheep license in any are where the licenses are issued in unlimited number; or

(h) to obtain an elk license if the apprentice hunter is under 15 years of age.

(9) An apprentice ~~hunter~~ who violates the terms of this section or a mentor who violates the terms of this section while accompanying an apprentice ~~hunter~~ is subject to the loss of privileges granted by this section for up to one full license season."

Approved April 3, 2025

CHAPTER NO. 45

[HB 97]

AN ACT ALLOWING THE PLATOONING OF VEHICLES; DEFINING PLATOONING; PROVIDING FOR SPECIAL PERMITS; REQUIRING A STUDY OF PLATOONING SAFETY BY THE DEPARTMENT OF TRANSPORTATION; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTION 61-10-124, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Platooning -- study -- rulemaking. (1) The department of transportation shall complete a feasibility study to determine whether platooning can be safely conducted in Montana. The study must include consideration of Montana's various terrain, weather extremes, effectiveness of supporting communication networks, and any other considerations applicable to the safety of the motoring public.

(2) If, upon completion and analysis of the study required in subsection (1), the department determines that platooning can be safely conducted, it shall adopt rules and standards for platooning. Prior to proposing rules on platooning, the department shall engage stakeholders such as members of the transportation interim committee, representatives of law enforcement agencies, the trucking industry, platooning technology developers, ranchers, drivers, pedestrians, tribal governments, and local governments.

(3) Platooning may be allowed following the implementation of department rules and standards.

(4) For the purposes of this section, "platooning" means operating partially or fully autonomous motor vehicles that are trailers, trucks, or truck tractors, as defined in 61-1-101, to travel on a highway at electronically coordinated speeds in a unified manner at a following distance that is closer than would be reasonable and prudent without the use of the technology.

Section 2. Section 61-10-124, MCA, is amended to read:

"**61-10-124. (Temporary) Special permits -- fees.** (1) Except as provided in subsections (2)(d) and (3), in addition to the regular registration and gross vehicle weight fees, a fee of $10 for each trip permit and a fee of $75 for each term permit issued for size in excess of that specified in 61-10-101 through 61-10-104 must be paid for all movements under special permits on the public highways under the jurisdiction of the department of transportation.

(2) (a) Except as provided in subsections (2)(b), (2)(d), (2)(f), (2)(h), (3), and ~~(4)~~ *(5)*, term or blanket permits may not be issued for an overwidth vehicle, combination of vehicles, load, or other thing in excess of 15 feet; an overlength vehicle, combination of vehicles, load, object, or other thing in excess of 95 feet; or an overheight vehicle, combination of vehicles, load, or other thing in excess of 14 feet or of a limit determined by the department. A vehicle, combination of vehicles, load, or other thing in excess of these dimensions is limited to trip permits. Except as provided in subsection (2)(g), a Rocky Mountain double may not exceed 81 feet in combined trailer length. A Rocky Mountain double is not subject to a combination length limit. Special permits for vehicle combinations of more than two trailers or more than two units designed for or used to carry a load are not permitted except as provided in subsections (3) and ~~(4)~~ *(5)*. Special permits for vehicle combinations may specify and special permits under subsections (3) and ~~(4)~~ *(5)* must specify highway routing and otherwise limit or prescribe conditions of operation of the vehicle or combination, including but not limited to required equipment, speed, stability, operational procedures, and insurance.

(b) A term permit may be issued to a dealer in implements of husbandry and self-propelled machinery for an overwidth or overlength vehicle referred to in subsection (2)(a). This permit expires on December 31 of each year, with no grace period.

(c) With payment of the appropriate gross weight fees required by 61-10-201 and with payment of the fee prescribed in subsection (1), allowable gross weight of a five-axle combination logging vehicle is 80,000 pounds.

(d) A term permit may be issued for any combination of vehicles that exceeds 95 feet in length but does not exceed 100 feet in combination length, except a truck-trailer-trailer or a truck tractor-semitrailer-trailer-trailer combination, for travel only on interstate highways, as defined in 60-1-103, or on other highways within a 2-mile radius of an interstate highway interchange in order to obtain necessary services or to load or unload at a terminal. When a terminal is beyond a 2-mile radius, the department may authorize travel between the terminal and the interchange. The fee for this permit is $125.

(e) A term permit may be issued for a truck tractor-semitrailer combination when the semitrailer exceeds 53 feet in length but does not exceed 57 feet in length.

(f) (i) An annual permit may be issued for nondivisible loads up to 120 feet in length. The fee for this permit is $125.

(ii) Portions of a nondivisible load hauled on a public road off of the interstate highway may be detached and reloaded on the same hauling unit if the separate pieces are necessary to the operation of the machine or equipment that is being hauled and if the arrangement does not exceed limits for which a permit may be issued.

(iii) An applicant for a nondivisible load permit for use as provided in subsection ~~(5)(b)~~ *(6)(b)* is responsible for providing information regarding the number of work hours required to dismantle the load.

(iv) For use as provided in subsection ~~(5)(b)~~ *(6)(b)* and for the purposes of this section, emergency response vehicles and casks designed and used for the transport of spent nuclear materials are considered nondivisible loads.

(g) A Rocky Mountain double carrying baled hay may not exceed 88 feet of combined trailer length.

(h) A term permit may be issued for an overlength vehicle moving a mobile home or a manufactured home, as defined in 15-24-201, when the vehicle does not exceed 110 feet in length or 16 feet in width.

(3) The department *of transportation* may issue special permits to the operating company for a truck-trailer-trailer or truck tractor-semitrailer-trailer-trailer combination of vehicles under the following conditions:

(a) the combination may be operated only on interstate highways, as defined in 60-1-103, and on other highways within a 2-mile radius of an interstate highway interchange only in order to obtain necessary services or to load or unload at a terminal. When a terminal is beyond a 2-mile radius, the department may authorize travel between the terminal and the interchange.

(b) a combination of vehicles powered by a cab-over or tilt-cab truck tractor or a truck may not exceed an overall length of 105 feet, inclusive of front and rear bumpers and overhang;

(c) a combination of vehicles powered by a conventional truck tractor may not exceed an overall length of 110 feet, inclusive of the front and rear bumpers and overhang;

(d) an individual cargo unit of the combination may not exceed 28 1/2 feet in length and 102 inches in width;

(e) gross weight fees under 61-10-201 must be paid on the truck or truck tractor for the declared registered gross weight of the special vehicle combination, but not to exceed the formula in 61-10-107;

(f) the combination must have a special overlength permit issued at a fee of $200 for a term permit or $20 for each trip permit;

(g) travel of the combination may be restricted to specific routes, hours of operation, specific days, or seasonal periods; and

(h) the department may enforce any other restrictions determined by the department to be necessary. The permit is not transferable, and the fee for the permit is $200.

(4) *(a) The department of transportation may issue special permits to the operating company for a platoon operation.*

(b) Gross vehicle weight fees under 61-10-201 must be paid on each truck or truck tractor operating in a platoon operation.

(c) The department may enforce any other restrictions determined by the department to be necessary.

(d) The fee for the permit is $200 for a term permit or $20 for each trip.

(5) The department of transportation may issue special permits under subsection (3) for vehicle combinations that consist of a truck-trailer-trailer if:

(a) the vehicle combination's overall length, inclusive of front and rear bumpers, is not more than 95 feet; and

(b) the person, firm, or corporation applying for the permit:

(i) restricts truck-trailer-trailer operations authorized by the permit to the hauling of talc ore, chlorite, dolomite, limestone, and custom combine equipment;

(ii) operated the truck-trailer-trailer combination before July 1, 1987;

(iii) restricts the truck-trailer-trailer operations authorized by the permit to the specified routes that those vehicles used before July 1, 1987; and

(iv) provides the department ~~of transportation~~ with an affidavit confirming the routes used before July 1, 1987, for truck-trailer-trailer operations.

~~(5)~~*(6)* For the purposes of this section, a "nondivisible load" is:

(a) on public roads off of interstate highways, a load that cannot be readily or reasonably dismantled and that is reduced to a minimum practical size and weight;

(b) on interstate highways, a load or vehicle exceeding applicable length or weight limits that, if separated into smaller loads or vehicles, would:

(i) compromise the intended use of the vehicle;

(ii) destroy the value of the load or vehicle; or

(iii) require more than 8 work hours to dismantle using appropriate equipment. (Void on occurrence of contingency--sec. 2, Ch. 285, L. 2003.)

61-10-124. (Effective on occurrence of contingency) Special permits -- fees. (1) Except as provided in subsections (2)(d) and (3), in addition to the regular registration and gross vehicle weight fees, a fee of $10 for each trip permit and a fee of $75 for each term permit issued for size in excess of that specified in 61-10-101 through 61-10-104 must be paid for all movements under special permits on the public highways under the jurisdiction of the department of transportation.

(2) (a) Except as provided in subsections (2)(b), (2)(d), (2)(f), (2)(g), (3), and ~~(4)~~ *(5)*, term or blanket permits may not be issued for an overwidth vehicle, combination of vehicles, load, or other thing in excess of 15 feet; an overlength vehicle, combination of vehicles, load, object, or other thing in excess of 95 feet; or an overheight vehicle, combination of vehicles, load, or other thing in excess of 14 feet or of a limit determined by the department. A vehicle, combination of vehicles, load, or other thing in excess of these dimensions is limited to trip permits. A Rocky Mountain double may not exceed 81 feet in combined trailer length. A Rocky Mountain double is not subject to a combination length limit. Special permits for vehicle combinations of more than two trailers or more than two units designed for or used to carry a load are not permitted except as provided in subsections (3) and ~~(4)~~ *(5)*. Special permits for vehicle combinations may specify and special permits under subsections (3) and ~~(4)~~ *(5)* must specify highway routing and otherwise limit or prescribe conditions of operation of the vehicle or combination, including but not limited to required equipment, speed, stability, operational procedures, and insurance.

(b) A term permit may be issued to a dealer in implements of husbandry and self-propelled machinery for an overwidth or overlength vehicle referred to in subsection (2)(a). This permit expires on December 31 of each year, with no grace period.

(c) With payment of the appropriate gross weight fees required by 61-10-201 and with payment of the fee prescribed in subsection (1), allowable gross weight of a five-axle combination logging vehicle is 80,000 pounds.

(d) A term permit may be issued for any combination of vehicles that exceeds 95 feet in length but does not exceed 100 feet in combination length, except a truck-trailer-trailer or a truck tractor-semitrailer-trailer-trailer combination, for travel only on interstate highways, as defined in 60-1-103, or on other highways within a 2-mile radius of an interstate highway interchange in order to obtain necessary services or to load or unload at a terminal. When a terminal is beyond a 2-mile radius, the department may authorize travel between the terminal and the interchange. The fee for this permit is $125.

(e) A term permit may be issued for a truck tractor-semitrailer combination when the semitrailer exceeds 53 feet in length but does not exceed 57 feet in length.

(f) (i) An annual permit may be issued for nondivisible loads up to 120 feet in length. The fee for this permit is $125.

(ii) Portions of a nondivisible load hauled on a public road off of the interstate highway may be detached and reloaded on the same hauling unit if the separate pieces are necessary to the operation of the machine or equipment that is being hauled and if the arrangement does not exceed limits for which a permit may be issued.

(iii) An applicant for a nondivisible load permit for use as provided in subsection ~~(5)(b)~~ *(6)(b)* is responsible for providing information regarding the number of work hours required to dismantle the load.

(iv) For use as provided in subsection ~~(5)(b)~~ *(6)(b)* and for the purposes of this section, emergency response vehicles and casks designed and used for the transport of spent nuclear materials are considered nondivisible loads.

(g) A term permit may be issued for an overlength vehicle moving a mobile home or a manufactured home, as defined in 15-24-201, when the vehicle does not exceed 110 feet in length or 16 feet in width.

(3) The department *of transportation* may issue special permits to the operating company for a truck-trailer-trailer or truck tractor-semitrailer-trailer-trailer combination of vehicles under the following conditions:

(a) the combination may be operated only on interstate highways, as defined in 60-1-103, and on other highways within a 2-mile radius of an interstate highway interchange only in order to obtain necessary services or to load or unload at a terminal. When a terminal is beyond a 2-mile radius, the department may authorize travel between the terminal and the interchange.

(b) a combination of vehicles powered by a cab-over or tilt-cab truck tractor or a truck may not exceed an overall length of 105 feet, inclusive of front and rear bumpers and overhang;

(c) a combination of vehicles powered by a conventional truck tractor may not exceed an overall length of 110 feet, inclusive of the front and rear bumpers and overhang;

(d) an individual cargo unit of the combination may not exceed 28 1/2 feet in length and 102 inches in width;

(e) gross weight fees under 61-10-201 must be paid on the truck or truck tractor for the declared registered gross weight of the special vehicle combination, but not to exceed the formula in 61-10-107;

(f) the combination must have a special overlength permit issued at a fee of $200 for a term permit or $20 for each trip permit;

(g) travel of the combination may be restricted to specific routes, hours of operation, specific days, or seasonal periods; and

(h) the department may enforce any other restrictions determined by the department to be necessary. The permit is not transferable, and the fee for the permit is $200.

(4) *(a) The department of transportation may issue special permits to the operating company for a platoon operation.*

(b) Gross vehicle weight fees under 61-10-201 must be paid on each truck or truck tractor operating in a platoon operation.

(c) The department may enforce any other restrictions determined by the department to be necessary.

(d) The fee for the permit is $200 for a term permit or $20 for each trip.

(5) The department of transportation may issue special permits under subsection (3) for vehicle combinations that consist of a truck-trailer-trailer if:

(a) the vehicle combination's overall length, inclusive of front and rear bumpers, is not more than 95 feet; and

(b) the person, firm, or corporation applying for the permit:

(i) restricts truck-trailer-trailer operations authorized by the permit to the hauling of talc ore, chlorite, dolomite, limestone, and custom combine equipment;

(ii) operated the truck-trailer-trailer combination before July 1, 1987;

(iii) restricts the truck-trailer-trailer operations authorized by the permit to the specified routes that those vehicles used before July 1, 1987; and

(iv) provides the department of transportation with an affidavit confirming the routes used before July 1, 1987, for truck-trailer-trailer operations.

~~(5)~~*(6)* For the purposes of this section, a "nondivisible load" is:

(a) on public roads off of interstate highways, a load that cannot be readily or reasonably dismantled and that is reduced to a minimum practical size and weight;

(b) on interstate highways, a load or vehicle exceeding applicable length or weight limits that, if separated into smaller loads or vehicles, would:

(i) compromise the intended use of the vehicle;

(ii) destroy the value of the load or vehicle; or

(iii) require more than 8 work hours to dismantle using appropriate equipment."

Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 61, and the provisions of Title 61 apply to [section 1].

Approved April 3, 2025

CHAPTER NO. 46

[HB 98]

AN ACT REVISING LAWS RELATED TO THE POSSESSION AND VALIDATION OF LICENSES, PERMITS, OR TAGS; ALLOWING A PERSON TO HAVE PHYSICAL CONTROL OVER VALID AND UNUSED ELECTRONICALLY ISSUED LICENSES, PERMITS, OR TAGS OF THE PERSON'S SPOUSE AND ANY MINOR; REQUIRING LICENSE VALIDATION BY THE LICENSE HOLDER; AMENDING SECTIONS 87-6-304 AND 87-6-305, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 87-6-304, MCA, is amended to read:

"**87-6-304. License, permit, or tag offenses.** (1) ~~A~~ *Except as provided in 87-6-305(2), a* person may not apply for, purchase, or possess more than one license, permit, or tag of any one class or more than one special license for any one species listed in 87-2-701. This provision does not apply to Class B-4, Class B-5, or Class E-2 licenses or to licenses issued under 87-2-104(3) for game management purposes. However, when more than one license, permit, or tag is authorized by the commission, a person may not apply for, purchase, or possess more licenses, permits, or tags than are authorized.

(2) The holder of a replacement license, permit, or tag may not make the replacement license, permit, or tag available for use by another person.

(3) Except as provided in 87-6-305(2), a person to whom a license or permit has been issued may not fish, hunt for any game bird or game animal, or attempt to hunt for any fur-bearing animal in this state unless the person is carrying the required license or permit at the time.

(4) A person may not refuse to exhibit a license or permit and the identification used in purchasing a license or permit for inspection to a warden or other officer requesting to see it.

(5) A person may not at any time alter or change a license in any material manner or loan or transfer any license to another person. ~~A person other than the~~ *The* person*, including a minor child,* to whom a license is issued ~~may not use the license~~ *shall validate the license*. A person may not ~~attach the person's~~ *validate a* license ~~to~~ *for* a game animal killed by another person.

(6) A person convicted of a violation of this section shall be fined not less than $50 or more than $1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, except as provided in

subsection (7), the person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

(7) A person convicted under subsection (1), (2), or (5) of unlawfully procuring, possessing, using, or transferring a replacement license, permit, or tag shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for 24 months from the date of conviction or forfeiture of bond or bail unless a court imposes a longer period. For each subsequent violation, the person shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for the same period of time imposed by the court for the person's previous violation plus an additional 24 months."

Section 2. Section 87-6-305, MCA, is amended to read:

"**87-6-305. Unlawful possession of hunting or fishing license or permit.** (1) Except as provided in subsection (2), a person commits the offense of unlawful possession of a hunting or fishing license or permit if the person knowingly carries or has physical control over a valid and unused:

(a) hunting license or permit issued to another person while in any location that the species to be hunted may inhabit;

(b) resident hunting license or permit or resident fishing license or permit issued to a nonresident; or

(c) hunting license or permit or fishing license or permit that was issued in violation of applicable law or rule.

(2) The prohibition in subsection (1) does not apply to a person who is carrying or has physical control over a *valid and unused* license or permit issued to that person's spouse or to any minor when the spouse or minor is hunting with that person. *This exception also applies to a license or permit issued electronically.*

(3) Except as provided in subsection (4), a person who violates this section shall be fined not less than $50 or more than $1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

(4) A person who violates this section while engaged in a commercial activity, such as taxidermy, meat processing, outfitting, or guiding by carrying or having physical control over three or more hunting licenses that are issued to another person or persons and that are used or intended to be used on game animals not taken by the person or persons to whom the licenses were issued or by knowingly carrying, having physical control of, or selling two or more licenses or permits that were issued in violation of applicable law or rule is guilty of a felony and upon conviction shall be fined not more than $50,000 or be imprisoned in the state prison for not more than 5 years, or both. In addition, the person shall forfeit any current hunting, fishing, or trapping license or permit issued by this state and lose the privilege to hunt, fish, or trap in this state for not less than 3 years up to a revocation for life from the date of conviction."

Section 3. Effective date. [This act] is effective on passage and approval.

Approved April 3, 2025

CHAPTER NO. 47

[HB 99]

AN ACT GENERALLY REVISING LAWS RELATED TO MOTOR VEHICLE LAWS FOR CLARITY AND CONSISTENCY; REORGANIZING DEFINITIONS FOR IMPROVED READABILITY OF THE MONTANA CODE ANNOTATED; CONSOLIDATING THE IDENTICAL DEFINITIONS OF MOTOR BOAT, PERSONAL WATERCRAFT, SAILBOAT, AND VESSEL; REORGANIZING DEFINITIONS FOR CONFORMITY WITH THE BILL DRAFTING MANUAL; ELIMINATING CITATIONS TO SPECIFIC SUBSECTIONS OF SECTION 61-1-101, MCA; PROVIDING NOTICE OF EXISTING NONSTANDARD PENALTIES; ELIMINATING UNNECESSARY CITATIONS TO SECTION 61-1-101, MCA; ELIMINATING SPECIAL PENALTY PROVISIONS THAT ARE DUPLICATIVE OF STANDARD PENALTY PROVISIONS; AMENDING SECTIONS 15-68-101, 23-2-502, 23-2-535, 30-11-701, 30-14-2501, 53-9-103, 61-1-101, 61-2-102, 61-3-201, 61-3-206, 61-3-224, 61-3-226, 61-3-301, 61-3-317, 61-3-321, 61-3-412, 61-3-413, 61-3-503, 61-4-102, 61-4-104, 61-4-110, 61-4-111, 61-4-121, 61-4-123, 61-4-201, 61-4-212, 61-4-213, 61-4-222, 61-4-402, 61-4-501, 61-5-104, 61-5-112, 61-5-119, 61-5-120, 61-5-232, 61-6-102, 61-6-302, 61-8-105, 61-8-110, 61-8-303, 61-8-376, 61-8-803, 61-8-1001, 61-9-105, 61-9-204, 61-9-406, 61-9-407, 61-9-409, 61-9-414, 61-9-416, 61-9-417, 61-9-430, 61-9-432, 61-9-437, 61-9-518, 61-9-520, 61-10-102, 61-10-111, 61-10-124, 61-10-141, 61-11-101, AND 87-6-207, MCA; AND REPEALING SECTIONS 61-9-513, 61-9-514, AND 61-9-519, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Definitions. As used in this chapter, the following definitions apply:

(1) "Declared weight" means the total unladen weight of a vehicle plus the weight of the maximum load to be carried on the vehicle as stated by the registrant in the application for registration.

(2) (a) "Specially constructed vehicle" means a motor vehicle, including a motorcycle, that:

(i) was not originally constructed under a distinctive make, model, or type by a generally recognized manufacturer of motor vehicles;

(ii) has been structurally modified so that it does not have the same appearance as similar vehicles from a generally recognized manufacturer of motor vehicles;

(iii) has been constructed or assembled entirely from custom-built parts and materials not obtained from other vehicles;

(iv) has been constructed or assembled by using major component parts from one or more manufactured vehicles and that cannot be identified as a specific make or model; or

(v) has been constructed by the use of a kit that cannot be visually identified as a specific make or model.

(b) The term does not include a motor vehicle that has been repaired or restored to its original design by replacing parts.

(3) "Transaction summary receipt" means an electronic record produced and issued by the department, its authorized agent, or a county treasurer for which a paper receipt is issued. The record may be created by the department and transmitted to the owner of a vehicle, a secured party, or a lienholder. The record must contain a unique transaction record number and summarize and

verify the electronic filing of the transaction described in the receipt on the electronic record of title maintained under 61-3-101.

Section 2. Section 15-68-101, MCA, is amended to read:

"**15-68-101. Definitions.** For purposes of this chapter, unless the context requires otherwise, the following definitions apply:

(1) (a) "Accommodations" means short-term rentals or individual sleeping rooms, suites, camping spaces, or other units offered for overnight lodging periods of less than 30 days to the general public for compensation.

(b) Accommodations include units located in property represented to the public as a hotel, motel, campground, resort, dormitory, condominium inn, dude ranch, guest ranch, hostel, public lodginghouse, bed and breakfast facility, vacation home, home, apartment, timeshare, room, or rooms rented by or on behalf of the owner or seller.

(c) The term does not include:

(i) a health care facility, as defined in 50-5-101;

(ii) any facility owned by a corporation organized under Title 35, chapter 2 or 3;

(iii) a facility that is used primarily by persons under 18 years of age for camping purposes; or

(iv) rooms or spaces offered separately to the general public for nonlodging purposes, including meeting, conference, or banquet spaces.

(2) (a) "Base rental charge" means the following:

(i) charges for time of use of the rental vehicle and mileage, if applicable;

(ii) charges accepted by the renter for insurance;

(iii) charges for additional drivers or underage drivers; and

(iv) charges for child safety restraints, luggage racks, ski racks, or other accessory equipment for the rental vehicle.

(b) The term does not include:

(i) rental vehicle price discounts allowed and taken;

(ii) rental charges or other charges or fees imposed on the rental vehicle owner or operator for the privilege of operating as a concessionaire at an airport terminal building;

(iii) motor fuel;

(iv) intercity rental vehicle drop charges; or

(v) taxes imposed by the federal government or by state or local governments.

(3) (a) "Campground" means a place used for public camping where persons may camp, secure tents, or park individual recreational vehicles for camping and sleeping purposes.

(b) The term does not include that portion of a trailer court, trailer park, or mobile home park intended for occupancy by trailers or mobile homes for resident dwelling purposes for periods of 30 consecutive days or more.

(4) "Engaging in business" means carrying on or causing to be carried on any activity with the purpose of receiving direct or indirect benefit.

(5) (a) "Motor vehicle" means:

(i) a light vehicle as defined in 61-1-101;

(ii) a motorcycle as defined in 61-1-101;

(iii) a motor-driven cycle as defined in 61-1-101;

(iv) a quadricycle as defined in 61-1-101;

(v) a motorboat or a sailboat as defined in ~~23-2-502~~ *61-1-101;* or

(vi) an off-highway vehicle as defined in 23-2-801 that:

(A) is rented for a period of not more than 30 days;

(B) is rented without a driver, pilot, or operator; and

(C) is designed to transport 15 or fewer passengers.

(b) Motor vehicle includes:

(i) a rental vehicle rented pursuant to a contract for insurance; and

(ii) a truck, trailer, or semitrailer that has a gross vehicle weight of less than 22,000 pounds, that is rented without a driver, and that is used in the transportation of personal property.

(c) The term does not include farm vehicles, machinery, or equipment.

(6) "Online hosting platform" means any person that provides an online application, software, website, or system through which a seller may advertise, rent, or furnish accommodations or rental vehicles and through which a purchaser may arrange for use of those accommodations or the use or lease of rental vehicles. Online hosting platforms include any online travel company or third-party reservation intermediary that facilitates the sale or use of accommodations or rental vehicles.

(7) "Person" means an individual, estate, trust, fiduciary, corporation, partnership, limited liability company, limited liability partnership, online hosting platform, or any other legal entity.

(8) "Purchaser" means a person to whom a sale of accommodations or a rental vehicle is made or to whom a service is furnished.

(9) "Rental vehicle" means a motor vehicle that is used for or by a person other than the owner of the motor vehicle through an arrangement and for consideration.

(10) "Retail sale" means any sale, lease, or rental for any purpose other than for resale, sublease, or subrent.

(11) [(a)] "Sale" or "selling" means the rental or use of accommodations or rental vehicles for consideration or the performance of a service for consideration.

[(b) The term does not include providing accommodations to victims of domestic violence or human trafficking for grant money received pursuant to 44-4-1505.]

(12) (a) "Sales price" applies to the measure subject to the tax under Title 15, chapter 65, and this chapter and means the total amount paid by the purchaser in the form of consideration, including cash, credit, property, and services, for which sales of accommodations, rental vehicles, or services are provided, sold, leased, or rented or valued in money, whether received in money or otherwise, without any deduction for the following:

(i) the seller's cost of the property sold;

(ii) the cost of materials used, labor or service costs, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;

(iii) charges by the seller for any services necessary to complete the sale;

(iv) delivery charges; or

(v) installation charges.

(b) The amount received for charges listed in subsections (12)(a)(ii) through (12)(a)(v) are excluded from the sales price if they are separately stated on the invoice, billing, or similar document given to the purchaser and the charge is not subject to subsection (12)(d).

(c) The term does not include:

(i) charges for meals, transportation, entertainment, or any other similar charges; or

(ii) any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the purchaser.

(d) Unless specifically excluded, sales price includes any separate charge or fee that a purchaser must pay to facilitate the sale or rental of the

accommodations or rental vehicle, including a fee or a service, commission, or other charge by an online hosting platform.

(13) "Sales tax" and "use tax" mean the applicable tax imposed by 15-68-102.

(14) "Seller" means a person that makes sales of accommodations or rental vehicles, including an online hosting platform.

(15) (a) "Service" means an activity that is engaged in for another person for consideration and that is distinguished from the sale or lease of accommodations or rental vehicles. Service includes activities performed by an online hosting platform.

(b) In determining what a service is, the intended use, principal objective, or ultimate objective of the contracting parties is irrelevant.

(16) "Short-term rental" means any individually or collectively owned single-family house or dwelling unit or any unit or group of units in a condominium, cooperative, timeshare, or owner-occupied residential home that is offered for a fee for 30 days or less.

(17) "Short-term rental marketplace" means a person that provides a platform through which a seller or the authorized agent of the seller offers a short-term rental to an occupant.

(18) "Timeshare" means any facility for which multiple parties or individuals own a right to use the facility for lodging purposes, and these parties or individuals do not hold claim to ownership of the physical property. (Bracketed language in subsection (11) terminates June 30, 2027--sec. 10, Ch. 758, L. 2023.)"

Section 3. Section 23-2-502, MCA, is amended to read:

"**23-2-502. Definitions.** As used in this part, unless the context clearly requires a different meaning, the following definitions apply:

(1) "Certificate of number" means the certificate issued by the department of justice, an authorized agent, as defined in 61-1-101, or a county treasurer to the owner of a motorboat or sailboat, assigning the motorboat or sailboat an identifying number and containing other information as required by the department of justice.

(2) "Department" means the department of fish, wildlife, and parks of the state of Montana.

(3) "Documented vessel" means a vessel that has and is required to have a valid marine document as a vessel of the United States.

(4) "Identifying number" means the boat number set forth in the certificate of number and properly displayed on the motorboat or sailboat.

(5) "Lienholder" means a person holding a security interest.

(6) "Manufacturer" means a person engaged in the business of manufacturing or importing new and unused vessels or new and unused outboard motors for the purpose of sale or trade.

(7) ~~(a)~~ "Motorboat" ~~means a vessel, including a personal watercraft or pontoon, propelled by any machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal source of propulsion. The term includes boats temporarily equipped with detachable motors or engines~~ *has the same meaning as provided in 61-1-101.*

~~(b) The term does not include a vessel that has a valid marine document issued by the U.S. coast guard or any successor federal agency.~~

(8) "Operate" means to navigate or otherwise use a motorboat or a vessel.

(9) "Operator" means the person who navigates, drives, or is otherwise in immediate control of a motorboat or vessel.

(10) (a) "Owner" means a person, other than a lienholder, having the property in or title to a motorboat or vessel. The term includes a person entitled to the use or possession of a motorboat or vessel subject to an interest

in another person, reserved or created by an agreement securing payment or performance of an obligation.

(b) The term does not include a lessee under a lease not intended as security.

(11) "Passenger" means each person carried on board a vessel other than:

(a) the owner or the owner's representative;

(b) the operator;

(c) bona fide members of the crew engaged in the business of the vessel who have not contributed any consideration for their carriage and who are paid for their services; or

(d) a guest on board a vessel that is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for the guest's carriage.

(12) "Person" means an individual, partnership, firm, corporation, association, or other entity.

(13) "Personal watercraft" ~~means a vessel that uses an outboard motor or an inboard engine powering a water jet pump as its primary source of propulsion and that is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the vessel~~ *has the same meaning as provided in 61-1-101.*

(14) "Registration decal" means an adhesive sticker produced by the department of justice and issued by the department of justice, an authorized agent as defined in 61-1-101, or a county treasurer to the owner of a motorboat, sailboat, or personal watercraft as proof of payment of fees imposed on the motorboat, sailboat, or personal watercraft for the registration period indicated on the decal as recorded by the department of justice under 61-3-101.

(15) ~~(a)~~ "Sailboat" ~~means a vessel that uses a sail and wind as its primary source of propulsion.~~

~~(b) The term does not include a canoe or kayak propelled by wind~~ *has the same meaning as provided in 61-1-101.*

(16) "Security interest" means an interest that is reserved or created by an agreement that secures payment or performance of an obligation and is valid against third parties generally.

(17) "Uniform state waterway marking system" means one of two categories:

(a) a system of aids to navigation to supplement the federal system of marking in state waters;

(b) a system of regulatory markers to warn a vessel operator of dangers or to provide general information and directions.

(18) "Validation decal" means an adhesive sticker produced by the department and issued by the department or a county treasurer to the owner of a motorboat, sailboat, or personal watercraft verifying the identifying number assigned to the motorboat, sailboat, or personal watercraft and the name and address of the owner to meet requirements of the federal standard numbering system.

(19) "Vessel" ~~means every description of watercraft, unless otherwise defined by the department, other than a seaplane on the water, used or capable of being used as a means of transportation on water~~ *has the same meaning as provided in 61-1-101.*

(20) "Waters of this state" means any waters within the territorial limits of this state."

Section 4. Section 23-2-535, MCA, is amended to read:

"**23-2-535. Alcohol concentration standards -- evidence admissible -- administration of tests.** (1) The inferences contained in 61-8-1002 apply to any criminal action or proceeding arising out of acts alleged to have been committed in violation of 23-2-523(2).

(2) Evidence of any measured amount or detected presence of alcohol or drugs in a person at the time of the act alleged, as shown by analysis of the person's blood, breath, oral fluid, or urine, and any other competent evidence bearing on the question of whether the person was under the influence of alcohol, drugs, or a combination of the two at the time of the act alleged is admissible in any criminal action or proceeding arising out of acts alleged to have been committed in violation of 23-2-523(2).

(3) If a person charged with violation of 23-2-523(2) refuses to submit to a test of the person's blood, breath, or urine for the purpose of determining any measured amount or detected presence of alcohol, none will be given, but proof of refusal is admissible in any criminal action or proceeding arising out of acts alleged to have been committed in violation of 23-2-523(2).

(4) The provisions relating to administration of tests provided in 61-8-1019 and the definition of alcohol concentration provided in 61-8-1001 apply to any testing done to a person charged with violation of 23-2-523(2).

(5) As used in 23-2-523(2), the term "under the influence" has the meaning provided in ~~61-8-1001~~ *61-1-101*."

Section 5. Section 30-11-701, MCA, is amended to read:

"**30-11-701. Definitions.** As used in this part, the following definitions apply:

(1) "Cancellation" or "canceled" means the cessation, termination, or discontinuance of a dealership contract. The term includes but is not limited to resignation, termination, surrender, discontinuance, nonrenewal, refusal to renew, or expiration of a dealership contract.

(2) "Current net price" means:

(a) with respect to a dealership contract, the price listed in the wholesaler's, manufacturer's, or distributor's price list or catalog in effect at the time a dealership contract is discontinued or, if none is then in effect, the last available price so listed; and

(b) with respect to a distribution contract, the price listed in the manufacturer's or distributor's price list or catalog in effect at the time a distribution contract is discontinued or, if none is then in effect, the last available price so listed.

(3) "Dealership contract" means a written contract between a retailer and a wholesaler, manufacturer, or distributor in which the retailer becomes a dealer in goods sold by the wholesaler, manufacturer, or distributor, evidenced by a franchise agreement, sales agreement, security agreement, or other similar agreement or arrangement.

(4) "Distribution contract" means a written contract between a wholesaler and a manufacturer or distributor in which the wholesaler becomes a dealer in goods sold by the manufacturer or distributor, evidenced by a franchise agreement, sales agreement, security agreement, or other similar agreement or arrangement.

(5) "Inventory" means:

(a) farm implements, machinery, attachments, and repair parts;

(b) industrial and construction equipment and repair parts;

(c) new motor vehicles, trucks, trailers, semitrailers, pole trailers, travel trailers, and repair parts sold by a dealer as defined in 61-1-101;

(d) motorcycles, motor-driven cycles, recreational vehicles, and quadricycles, as those terms are defined in 61-1-101, and repair parts;

(e) snowmobiles, as defined in 23-2-601, and repair parts;

(f) off-highway vehicles, as defined in 23-2-801, and repair parts; and

(g) vessels, as defined in ~~23-2-502~~ *61-1-101*, detachable motors or engines used to propel vessels, and repair parts.

(6) "Net cost" means:

(a) with respect to a dealership contract, the price actually paid for an inventory item by the retailer to the wholesaler, manufacturer, or distributor, plus applicable freight costs paid by or charged to the retailer; and

(b) with respect to a distribution contract, the price actually paid for an inventory item by the wholesaler to a manufacturer or distributor, plus applicable freight costs paid by or charged to the wholesaler.

(7) "Retailer" or "retail dealer" means any individual, partnership, association, or corporation engaged in the business of selling inventory, as defined in this section, to the general public.

(8) "Wholesaler" means any individual, partnership, association, or corporation engaged in the business of selling inventory, as defined in this section, to retailers."

Section 6. Section 30-14-2501, MCA, is amended to read:

"**30-14-2501. Definitions.** As used in this part, the following definitions apply:

(1) "Actual price" means the price paid by a motorsports dealer to a motorsports manufacturer for a motorsports product less any pecuniary benefit relating to a motorsports product paid or credited by the motorsports manufacturer to the motorsports dealer or the ultimate purchaser of the motorsports product.

(2) "Confidential or proprietary information" means trade secrets as defined in 30-14-402 and includes business plans, marketing plans or strategies, customer lists, contracts, sales data, revenue, or other financial information.

(3) "Control" or "controlling" means:

(a) the possession of, title to, or control of 10% or more of the voting equity interest in a person, whether directly or indirectly through a fiduciary, agent, or other intermediary; or

(b) the possession, direct or indirect, of the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting securities, through director control, by contract, or otherwise.

(4) "Department" means the department of justice created in 2-15-2001.

(5) "Fleet" means a group of 15 or more new motorsports vehicles that are sold or leased by a motorsports dealer at one time under a single purchase or lease agreement for use as part of a fleet.

(6) "Motorsports dealer" means a new motor vehicle dealer as defined in 61-4-201 who sells motorsports vehicles.

(7) "Motorsports manufacturer" means a manufacturer, distributor, distributor branch, factory branch, or importer, as those terms are defined in 61-4-201, who sells motorsports vehicles to motorsports dealers within this state.

(8) "Motorsports vehicle" means a personal watercraft as defined in ~~23-2-502~~ *61-1-101*, a snowmobile as defined in 23-2-601, a motorcycle as defined in 61-1-101, a motor-driven cycle as defined in 61-1-101, an off-highway vehicle as defined in 61-1-101, or a quadricycle as defined in 61-1-101.

(9) "Operate" means to manage a motorsports dealership, whether directly or indirectly.

(10) "Own" or "ownership" means to hold the beneficial ownership of 1% or more of any class of equity interest in a motorsports dealership, whether the interest is that of a shareholder, partner, limited liability company member, or otherwise. To hold an ownership interest means to have possession of, title to, or control of the ownership interest, whether directly or indirectly through a fiduciary, agent, or other intermediary.

(11) "Person" has the meaning provided in 30-14-102."

Section 7. Section 53-9-103, MCA, is amended to read:

"**53-9-103. Definitions.** As used in this part, the following definitions apply:

(1) "Claimant" means any of the following claiming compensation under this part:

(a) a victim;

(b) a dependent of a deceased victim; or

(c) an authorized person acting on behalf of any of them.

(2) "Collateral source" means a source of benefits, other than welfare benefits, or advantages for economic loss otherwise compensable under this part that the claimant has received or that is readily available to the claimant from:

(a) the offender;

(b) the government of the United States or any agency thereof, a state or any of its political subdivisions, or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under this part;

(c) social security, medicare, and medicaid;

(d) workers' compensation;

(e) wage continuation programs of any employer;

(f) proceeds of a contract of insurance payable to the claimant for loss that was sustained because of the criminally injurious conduct;

(g) a contract, including an insurance contract, providing hospital and other health care services or benefits for disability. A contract in this state may not provide that benefits under this part are a substitute for benefits under the contract or that the contract is a secondary source of benefits and benefits under this part are a primary source.

(h) a crime victims compensation program operated by the state in which the victim was injured or killed that compensates residents of this state injured or killed in that state; or

(i) any other third party.

(3) "Criminally injurious conduct" means conduct that:

(a) occurs or is attempted in this state or an act of international terrorism, as defined in 18 U.S.C. 2331, committed outside of the United States against a resident of this state;

(b) results in bodily injury or death or involves domestic violence in a home where minor children were present; and

(c) is punishable by fine, imprisonment, or death or would be so punishable except that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state; however, criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle unless the bodily injury or death occurred during the commission of an offense defined in Title 45 that requires the mental state of purposely as an element of the offense or the injury or death was inflicted by the driver of a motor vehicle who is found by the office, by a preponderance of the evidence, to have been operating the motor vehicle while under the influence, as that term is defined in ~~61-8-1001~~ *61-1-101*; or

(d) is committed in a state without a crime victims compensation program that covers a resident of this state if the conduct meets the requirements in subsections (3)(b) and (3)(c).

(4) "Dependent" means a natural person who is recognized under the law of this state to be wholly or partially dependent upon the victim for care or support and includes a child of the victim conceived before the victim's death but born after the victim's death, including a child that is conceived as a result of the criminally injurious conduct.

(5) "Office" means the office of victims services established in 2-15-2016.

(6) "Victim" means:

(a) a person who suffers bodily injury or death as a result of:

(i) criminally injurious conduct;

(ii) the person's good faith effort to prevent criminally injurious conduct; or

(iii) the person's good faith effort to apprehend a person reasonably suspected of engaging in criminally injurious conduct; or

(b) a minor child present in a home where domestic violence occurred."

Section 8. Section 61-1-101, MCA, is amended to read:

"**61-1-101. Definitions.** As used in this title, unless the context indicates otherwise, the following definitions apply:

(1) (a) "Authorized agent" means a person who has executed a written agreement with the department and is specifically authorized by the department to electronically access and update the department's motor vehicle titling, registration, or driver records, using an approved automated interface, for specific functions or purposes on behalf of a third party.

(b) For purposes of this subsection (1), "person" means an individual, corporation, partnership, limited partnership, limited liability company, association, joint venture, state agency, local government unit, another state government, the United States, a political subdivision of this or another state, or any other legal or commercial entity.

(2) "Authorized agent agreement" means the written agreement executed between an authorized agent and the department that sets the technical and operational program standards, compliance criteria, payment options, and service expectations by which the authorized agent is required to operate in performing specific motor vehicle or driver-related record functions.

(3) "Autocycle" means a three-wheeled motorcycle that is equipped with safety belts, roll bars or roll hoops, a steering wheel, and seating that does not require the operator to straddle or sit astride it.

(4) "Bus" means a motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons and any other motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(5) (a) "Business entity" means a corporation, association, partnership, limited liability partnership, limited liability company, or other legal entity recognized under state law.

(b) The term does not include an individual.

(6) (a) "Camper" means a structure designed to be mounted in the cargo area of a truck or attached to an incomplete vehicle for the purpose of providing shelter for persons. The term includes but is not limited to a cab-over, half cab-over, noncab-over, telescopic, and telescopic cab-over.

(b) The term does not include a truck canopy cover or topper.

(7) "CDLIS driver record" means the electronic record of a person's commercial driver's license status and history stored as part of the commercial driver's license system established under 49 U.S.C. 31309.

(8) "Certificate of title" means the paper record issued by the department or by the appropriate agency of another jurisdiction that establishes a verifiable record of ownership between an identified person or persons and the motor vehicle specifically described in the record and that provides notice of a perfected security interest in the motor vehicle.

(9) "Commercial driver's license" means:

(a) a driver's license issued under or granted by the laws of this state that authorizes a person to operate a class of commercial motor vehicle; or

(b) the privilege of a person to drive a commercial motor vehicle, whether or not the person holds a valid commercial driver's license.

(10) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

(i) has a gross combination weight rating or a gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(ii) has a gross vehicle weight rating or a gross vehicle weight of 26,001 pounds or more, whichever is greater;

(iii) is designed to transport at least 16 passengers, including the driver;

(iv) is a school bus; or

(v) is of any size and is used in the transportation of hazardous materials.

(b) The following vehicles are not commercial motor vehicles:

(i) an authorized emergency vehicle:

(A) equipped with audible and visual signals as required under 61-9-401 and 61-9-402; and

(B) operated when responding to or returning from an emergency call or operated in another official capacity;

(ii) a vehicle:

(A) controlled and operated by a farmer, family member of the farmer, or person employed by the farmer;

(B) used to transport farm products, farm machinery, or farm supplies to or from the farm within Montana within 150 miles of the farm or, if there is a reciprocity agreement with a state adjoining Montana, within 150 miles of the farm, including any area within that perimeter that is in the adjoining state; and

(C) not used to transport goods for compensation or for hire; or

(iii) a vehicle operated for military purposes by active duty military personnel, a member of the military reserves, a member of the national guard on active duty, including personnel on full-time national guard duty, personnel in part-time national guard training, and national guard military technicians, or active duty United States coast guard personnel.

(c) For purposes of this subsection (10):

(i) "farmer" means a person who operates a farm or who is directly involved in the cultivation of land or crops or the raising of livestock owned by or under the direct control of that person;

(ii) "gross combination weight rating" means the value specified by the manufacturer as the loaded weight of a combination or articulated vehicle;

(iii) "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a single vehicle; and

(iv) "school bus" has the meaning provided in 49 CFR 383.5.

(11) "Commission" means the state transportation commission.

(12) "Custom-built motorcycle" means a motorcycle that is equipped with:

(a) an engine that was manufactured 20 years prior to the current calendar year and that has been altered from the manufacturer's original design; or

(b) an engine that was manufactured to resemble an engine 20 or more years old and that has been constructed in whole or in part from nonoriginal materials.

(13) "Custom vehicle" means a motor vehicle other than a motorcycle that:

(a) (i) was manufactured with a model year after 1948 and that is at least 25 years old; or

(ii) was built to resemble a vehicle manufactured after 1948 and at least 25 years before the current calendar year, including a kit vehicle intended to

resemble a vehicle manufactured after 1948 and that is at least 25 years old; and

(b) has been altered from the manufacturer's original design or has a body constructed from nonoriginal materials.

(14) "Customer identification number" means:

(a) a driver's license or identification card number when the customer is an individual who has been issued a driver's license or identification card by a state driver licensing authority;

(b) a federal employer or tax identification number when the customer is a business entity that has been issued a federal employer or tax identification number;

(c) the identification number assigned by the secretary of state to a business entity authorized to do business in this state under Title 35 if the customer is a business entity that does not have a federal employer or tax identification number other than a social security number; or

(d) if the customer has not been issued one of the numbers described in subsections (14)(a) through (14)(c), a number assigned to the customer by the department when a transaction is initiated under this title.

(15) (a) "Dealer" means a person that, for commission or profit, engages in whole or in part in the business of buying, selling, exchanging, or accepting on consignment new or used motor vehicles, trailers, semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, off-highway vehicles, or special mobile equipment that is not registered in the name of the person.

(b) The term does not include the following:

(i) receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under a judgment or order of any court of competent jurisdiction;

(ii) employees of the persons included in subsection (15)(b)(i) when engaged in the specific performance of their duties as employees; or

(iii) public officers while performing or in the operation of their duties.

~~(16) "Declared weight" means the total unladen weight of a vehicle plus the weight of the maximum load to be carried on the vehicle as stated by the registrant in the application for registration.~~

~~(17)~~*(16)* "Department" means the department of justice acting directly or through its duly authorized officers or agents.

~~(18) "Dolly or converter gear" means a device consisting of one or two axles with a fifth wheel and trailer tongue used to support the forward end of a semitrailer, converting a semitrailer into a trailer.~~

~~(19)~~*(17)* "Domiciled" means a place where:

(a) an individual establishes residence;

(b) a business entity maintains its principal place of business;

(c) the business entity's registered agent maintains an address; or

(d) a business entity most frequently uses, dispatches, or controls a motor vehicle, trailer, semitrailer, or pole trailer that it owns or leases.

~~(20)~~*(18)* "Downgrade" means the removal of a person's privilege to operate a commercial motor vehicle, as maintained by the department on the individual Montana driving record and the CDLIS driver record for that person.

~~(21)~~*(19)* "Driver" means a person who drives or is in actual physical control of a vehicle.

~~(22)~~*(20)* "Driver's license" means a license or permit to operate a motor vehicle issued under or granted by the laws of this state, including:

(a) any temporary license or learner license;

(b) the privilege of any person to drive a motor vehicle, whether or not the person holds a valid license;

(c) any nonresident's driving privilege;

(d) a motorcycle endorsement; or

(e) a commercial driver's license.

~~(23)~~*(21)* "Electric personal assistive mobility device" means a device that has two nontandem wheels, is self-balancing, and is designed to transport only one person with an electric propulsion system that limits the maximum speed of the device to 12 1/2 miles an hour.

~~(24)~~*(22)* "For hire" means an action performed for remuneration of any kind, whether paid or promised, either directly or indirectly, or received or obtained through leasing, brokering, or buy-and-sell arrangements from which a remuneration is obtained or derived for transportation service.

~~(25)~~*(23)* (a) "Golf cart" means a motor vehicle that is designed for use on a golf course to carry a person or persons and golf equipment and that has an average speed of less than 15 miles per hour.

(b) Except as provided in 61-3-201, a golf cart is exempt from titling, registration, and mandatory liability insurance requirements under this title.

~~(26)~~*(24)* "Gross vehicle weight" means the weight of a vehicle without load plus the weight of any load on the vehicle.

~~(27)~~*(25)* "Hazardous material" means:

(a) any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under 49 CFR, part 172; or

(b) any quantity of a material listed as a select agent or toxin in 42 CFR, part 73.

~~(28)~~*(26)* "Highway" or "public highway" means the entire width between the boundary lines of every publicly maintained way when any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.

~~(29)~~*(27)* "Highway patrol officer" means a state officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

~~(30)~~*(28)* "Implement of husbandry" means a vehicle that is designed for agricultural purposes and exclusively used by the owner of the vehicle in the conduct of the owner's agricultural operations.

~~(31)~~*(29)* "Kit vehicle" is a motor vehicle assembled from a manufactured kit either as:

(a) a complete kit, consisting of a prefabricated body and chassis, to construct a new motor vehicle; or

(b) a kit with a prefabricated body to be mounted to an existing motor vehicle chassis and drivetrain, commonly referred to as a donor vehicle.

~~(32)~~*(30)* "Light vehicle" means a motor vehicle commonly referred to as an*:*

(a) automobile~~,~~*;*

(b) van~~,~~*;*

(c) ~~sport utility vehicle~~ *"sport utility vehicle", meaning a light vehicle designed to transport 10 or fewer persons that is constructed on a truck chassis or that has special features for occasional off-road use, not including trucks having a manufacturer's rated capacity of 1 ton or less; or*

(d) ~~, or~~ truck having a manufacturer's rated capacity of 1 ton or less.

~~(33)~~*(31)* "Low-speed electric vehicle" means a motor vehicle, on or by which a person may be transported, that:

(a) has four wheels;

(b) has a maximum speed of at least 20 miles an hour and no greater than 40 miles an hour as certified by the manufacturer;

(c) is propelled by its own power, using an electric motor or other device that transforms stored electrical energy into the motion of the vehicle;

(d) stores electricity in batteries, ultracapacitors, or similar devices, which are charged from the power grid or from renewable electrical energy sources;

(e) has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater;

(f) exhibits a manufacturer's compliance with 49 CFR, part 565, or displays a 17-character vehicle identification number as provided in 49 CFR, part 565; and

(g) is equipped as provided in 61-9-432.

~~(34)~~*(32)* "Low-speed restricted driver's license" means a license limited to the operation of a low-speed electric vehicle or a golf cart issued under or granted by the laws of this state, including:

(a) a temporary license or learner license;

(b) the privilege of a person to drive a low-speed electric vehicle or golf cart under the authority of 61-5-122, whether or not the person holds a valid driver's license; and

(c) a nonresident's similarly restricted driving privilege.

~~(35)~~*(33)* "Manufactured home" has the meaning provided in 15-24-201.

~~(36)~~*(34)* "Manufacturer" includes any person engaged in the manufacture of motor vehicles, trailers, semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, or off-highway vehicles as a regular business.

~~(37)~~*(35)* "Manufacturer's certificate of origin" means the original paper record produced and issued by the manufacturer of a vehicle or, if in a medium authorized by the department, an electronic record created and transmitted by the manufacturer of a vehicle to the manufacturer's agent or a licensed dealer. The record must establish the origin of the vehicle specifically described in the record and, upon assignment, transfers of ownership of the vehicle to the person or persons named in the certificate.

~~(38)~~*(36)* (a) "Medium-speed electric vehicle" is a motor vehicle, on or by which a person may be transported, that:

(i) has a maximum speed of 45 miles an hour as certified by the manufacturer;

(ii) is propelled by its own power, using an electric motor or other device that transforms stored electrical energy into the motion of the vehicle;

(iii) stores electricity in batteries, ultracapacitors, or similar devices, which are charged from the power grid or from renewable electrical energy sources;

(iv) is fully enclosed and includes at least one door for entry;

(v) has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater;

(vi) exhibits a manufacturer's compliance with 49 CFR, part 565, or displays a 17-character vehicle identification number as provided in 49 CFR, part 565;

(vii) bears a sticker, affixed by the manufacturer or dealer, on the left side of the rear window that indicates the vehicle's maximum speed rating; and

(viii) as certified by the manufacturer, is equipped as provided in 61-9-432.

(b) A medium-speed electric vehicle must be treated as a light vehicle for purposes of titling and registration under Title 61, chapter 3.

(c) A medium-speed electric vehicle may not have a gross vehicle weight in excess of 5,000 pounds.

~~(39)~~*(37)* "Mobile home" or "housetrailer" has the meaning provided in 15-24-201.

~~(40)~~*(38)* "Montana resident" means:

(a) an individual who resides in Montana as determined under 1-1-215; or

(b) for the purposes of chapter 3, a business entity that maintains a principal place of business or a registered agent in this state.

~~(41)~~*(39)* (a) "Motor carrier" means a person or corporation or its lessees, trustees, or receivers appointed by a court that are operating motor vehicles on a public highway in this state for the transportation of property for hire on a commercial basis.

(b) The term does not include motor carriers regulated under Title 69, chapter 12.

~~(42)~~*(40)* "Motor home" means a motor vehicle:

(a) designed to provide temporary living quarters, built as an integral part of or permanently attached to a self-propelled motor vehicle chassis or van;

(b) containing permanently installed independent life support systems that meet the NFPA 1192 standard on recreational vehicles; and

(c) providing at least four of the following types of facilities:

(i) cooking, refrigeration, or icebox;

(ii) self-contained toilet;

(iii) heating or air conditioning, or both;

(iv) potable water supply, including a faucet and sink; or

(v) separate 110-volt or 125-volt electrical power supply or a liquefied petroleum gas supply, or both.

~~(43)~~*(41)* (a) "Motor vehicle" means:

(i) a vehicle propelled by its own power and designed or used to transport persons or property on the highways of the state;

(ii) a quadricycle if it is equipped for use on the highways as prescribed in chapter 9; or

(iii) a golf cart only if it is equipped for use on the highways as prescribed in chapter 9 and is operated pursuant to 61-8-391 or by a person with a low-speed restricted driver's license.

(b) The term does not include a bicycle or a moped as defined in 61-8-102, an electric personal assistive mobility device, a motorized nonstandard vehicle, or a motorized wheelchair or other low-powered, mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is used as a means of mobility for that person.

~~(44)~~*(42)* (a) "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by any machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal source of propulsion. The term includes boats temporarily equipped with detachable motors or engines.

(b) The term does not include a vessel that has a valid marine document issued by the United States coast guard or any successor federal agency.

~~(45)~~*(43)* (a) "Motorcycle" means a motor vehicle that has a seat or saddle for the use of the operator and that is designated to travel on not more than three wheels in contact with the ground. A motorcycle may carry one or more attachments and a seat for the conveyance of a passenger.

(b) A motorcycle designed for use on highways is a motor vehicle unless otherwise prescribed.

(c) A motorcycle designed for off-road recreational use is an off-highway vehicle unless it has been modified to meet the equipment standards specified in chapter 9 and has been registered for highway use.

(d) The term includes an autocycle.

(e) The term does not include a tractor, a bicycle or a moped as defined in 61-8-102, a motorized nonstandard vehicle, or a two- or three-wheeled all-terrain vehicle that is used exclusively on private property.

~~(46)~~*(44)* (a) "Motor-driven cycle" means a motorcycle, including a motor scooter, with a motor that produces 5 horsepower or less.

(b) The term does not include a bicycle or a moped, as defined in 61-8-102, or a motorized nonstandard vehicle.

~~(47)~~*(45)* (a) "Motorized nonstandard vehicle" means a vehicle, on or by which a person may be transported, that:

(i) is propelled by its own power, using an internal combustion engine or an electric motor;

(ii) has a wheelbase of less than 40 inches and a wheel diameter of less than 10 inches; and

(iii) does not display a manufacturer's certification in accordance with 49 CFR, part 567, or have a 17-character vehicle identification number assigned by the manufacturer in accordance with 49 CFR, part 565.

(b) The term includes but is not limited to a motorized skateboard and a vehicle commonly known as a "pocket rocket".

(c) The term does not include a moped as defined in 61-8-102, an electric personal assistive mobility device, or a motorized wheelchair or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled person.

~~(48)~~*(46)* "New motor vehicle" means a motor vehicle, regardless of the mileage of the vehicle, the legal or equitable title to which has never been transferred by a manufacturer, distributor, or dealer to another person as the result of a retail sale.

~~(49)~~*(47)* "Nonresident" means a person who is not a Montana resident.

~~(50)~~*(48)* (a) "Not used for general transportation purposes" means the operation of a motor vehicle registered as a collector's item, a custom vehicle, a street rod, or a custom-built motorcycle to or from a car or motorcycle club activity or event or an exhibit, show, cruise night, or parade, or for other occasional transportation activity.

(b) The term does not include operation of a motor vehicle for routine or ordinary household maintenance, employment, education, or other similar purposes.

~~(51)~~*(49)* (a) "Off-highway vehicle" means a self-propelled vehicle designed for recreation or cross-country travel on public lands, trails, easements, lakes, rivers, or streams. The term includes but is not limited to motorcycles, quadricycles, dune buggies, amphibious vehicles, air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind.

(b) The term does not include:

(i) vehicles designed primarily for travel on, over, or in the water;

(ii) snowmobiles; or

(iii) motor vehicles designed to transport persons or property on the highways unless the vehicle is used for off-road recreation on public lands.

~~(52)~~*(50)* "Operator" means a person who is in actual physical control of a motor vehicle.

~~(53)~~*(51)* "Owner" means each person who holds the legal title to a vehicle. If a vehicle is the subject of an agreement for the conditional sale of the vehicle with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession and control vested in an individual human being or in the event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control, for security or otherwise in an individual human being, or in the event a mortgagor of a vehicle is entitled to possession and control, then the owner is the individual human being or mortgagor in whom is vested the right of possession and control.

~~(54)~~*(52)* "Person" means an individual human being, corporation, partnership, association, firm, or other legal entity.

~~(55)~~*(53)* "Personal watercraft" means a vessel that uses an outboard motor or an inboard engine powering a water jet pump as its primary source of propulsion and that is designed to be operated by a person sitting, standing,

or kneeling on the vessel rather than by the conventional method of sitting or standing in the vessel.

~~(56)~~*(54)* "Pole trailer" means a vehicle without power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable generally of sustaining themselves as beams between the supporting connections.

~~(57)~~*(55)* "Police officer" means an officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

~~(58)~~*(56)* (a) "Quadricycle" means a four-wheeled motor vehicle, designed for on-road or off-road use, having a seat or saddle on which the operator sits.

(b) The term does not include golf carts.

~~(59)~~*(57)* "Railroad" means a carrier of persons or property on cars, other than streetcars, operated on stationary rails.

~~(60)~~*(58)* (a) "Railroad train" or "train" means a steam engine or electric or other motor, with or without cars coupled to the engine, that is operated on rails.

(b) The term does not include streetcars.

~~(61)~~*(59)* "Recreational vehicle" includes a motor home, travel trailer, or camper.

~~(62)~~*(60)* "Registration" or "register" means the act or process of creating an electronic record, maintained by the department, of the assignment of a license plate or a set of license plates to and the issuance of a registration decal for a specific vehicle, the ownership of which has been established or is presumed in department records.

~~(63)~~*(61)* "Registration decal" means an adhesive sticker produced by the department and issued by the department, its authorized agent, or a county treasurer to the owner of a motor vehicle, trailer, semitrailer, pole trailer, motorboat, sailboat, personal watercraft, or snowmobile as proof of payment of all fees imposed for the registration period indicated on the sticker as recorded by the department under 61-3-101.

~~(64)~~*(62)* "Registration receipt" means a paper record that is produced and issued or, if authorized by the department, an electronic record that is transmitted by the department, its authorized agent, or a county treasurer to the owner of a vehicle that identifies a vehicle, based on information maintained in the electronic record of title for the vehicle, and that provides evidence of the payment of all fees required to be paid for the registration of the vehicle for the registration period indicated in the receipt.

~~(65)~~*(63)* "Retail sale" means the sale of a motor vehicle, trailer, semitrailer, pole trailer, travel trailer, motorboat, snowmobile, off-highway vehicle, or special mobile equipment by a dealer to a person for purposes other than resale.

~~(66)~~*(64)* "Revocation" means the termination by action of the department of a person's driver's license, privilege to drive a motor vehicle on the public highways, and privilege to apply for and be issued a driver's license for a period of time designated by law, during which the license or privilege may not be renewed, restored, or exercised. An application for a new license may be presented and acted on by the department after the expiration of the period of the revocation.

~~(67)~~*(65)* "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event that a highway includes two or more separate roadways, the term refers to any roadway separately but not to all roadways collectively.

~~(68)~~*(66)* (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

(b) The term does not include a canoe or kayak propelled by wind.

~~(69)~~*(67)* "School zone" means an area near a school beginning at the school's front door, encompassing the campus and school property, and including the streets directly adjacent to the school property and for as many blocks surrounding the school as determined by the local authority establishing a special speed limit under 61-8-310(1)(d).

~~(70)~~*(68)* "Sell" means to transfer ownership from one person to another person or from a dealer to another person for consideration.

~~(71)~~*(69)* "Semitrailer" means a vehicle, with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests on or is carried by another vehicle.

~~(72)~~*(70)* "Snowmobile" means a self-propelled vehicle of an overall width of 48 inches or less, excluding accessories, that is designed primarily for travel on snow or ice, that may be steered by skis or runners, and that is not otherwise registered or licensed under the laws of the state of Montana.

~~(73)~~*(71)* "Special mobile equipment" means a vehicle not designed for the transportation of persons or property on the highways but incidentally operated or moved over the highways, including road construction or maintenance machinery, ditch-digging apparatus, and well-boring apparatus. The fact that equipment is permanently attached to a vehicle does not make the vehicle special mobile equipment. The enumeration in this subsection is partial and does not exclude other vehicles that are within the general terms of this subsection.

~~(74) (a) "Specially constructed vehicle" means a motor vehicle, including a motorcycle, that:~~

~~(i) was not originally constructed under a distinctive make, model, or type by a generally recognized manufacturer of motor vehicles;~~

~~(ii) has been structurally modified so that it does not have the same appearance as similar vehicles from a generally recognized manufacturer of motor vehicles;~~

~~(iii) has been constructed or assembled entirely from custom-built parts and materials not obtained from other vehicles;~~

~~(iv) has been constructed or assembled by using major component parts from one or more manufactured vehicles and that cannot be identified as a specific make or model; or~~

~~(v) has been constructed by the use of a kit that cannot be visually identified as a specific make or model.~~

~~(b) The term does not include a motor vehicle that has been repaired or restored to its original design by replacing parts.~~

~~(75) (a) "Sport utility vehicle" means a light vehicle designed to transport 10 or fewer persons that is constructed on a truck chassis or that has special features for occasional off-road use.~~

~~(b) The term does not include trucks having a manufacturer's rated capacity of 1 ton or less.~~

~~(76)~~*(72)* (a) "Stop", when required, means complete cessation from movement.

(b) "Stop", "stopping", or "standing", when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, highway patrol officer, or traffic control sign or signal.

~~(77) "Storage lot" means property owned, leased, or rented by a dealer that is not contiguous to the dealer's established place of business where a motor vehicle from the dealer's inventory may be placed when space at the dealer's established place of business is not available.~~

~~(78)~~*(73)* "Street" means the entire width between the boundary lines of every publicly maintained way when any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.

~~(79)~~*(74)* "Street rod" means a motor vehicle, other than a motorcycle, that:

(a) was manufactured prior to 1949 or was built to resemble a vehicle manufactured before 1949, including a kit vehicle intended to resemble a vehicle manufactured before 1949; and

(b) has been altered from the manufacturer's original design or has a body constructed from nonoriginal materials.

~~(80)~~*(75)* "Suspension" means the temporary withdrawal by action of the department of a person's driver's license, privilege to drive a motor vehicle on the public highways, and privilege to apply for or be issued a driver's license for a period of time designated by law.

~~(81)~~*(76)* "Temporary registration permit" means a paper record~~:~~

~~(a)~~ issued by the department, an authorized agent, a county treasurer, or a person, using a department-approved electronic interface after an electronic record has been transmitted to the department, that contains:

~~(i)~~*(a)* required vehicle and owner information; and

~~(ii)~~*(b)* the purpose for which the record was generated~~; and~~.

~~(b) that, when placed in a durable license-plate style plastic pouch approved by the department and displayed as prescribed in 61-3-224, authorizes a person to operate the described motor vehicle, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for:~~

~~(i) 40 days from the date the record is issued or until the vehicle is registered under Title 23 or this title, whichever first occurs; or~~

~~(ii) 90 days from the date the record is issued for a permit issued pursuant to 61-3-303(4)(b).~~

~~(82)~~*(77)* "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highways for purposes of travel.

~~(83)~~*(78)* (a) "Trailer" means a vehicle, with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests on the towing vehicle.

(b) The term does not include a mobile home or a manufactured home, as defined in 15-1-101.

~~(84) "Transaction summary receipt" means an electronic record produced and issued by the department, its authorized agent, or a county treasurer for which a paper receipt is issued. The record may be created by the department and transmitted to the owner of a vehicle, a secured party, or a lienholder. The record must contain a unique transaction record number and summarize and verify the electronic filing of the transaction described in the receipt on the electronic record of title maintained under 61-3-101.~~

~~(85)~~*(79)* "Travel trailer" means a vehicle:

(a) that is 46 feet or less in length;

(b) that is of a size or weight that does not require special permits when towed by a motor vehicle; and

(c) that is designed to provide temporary facilities for recreational, travel, or camping use and not used as a principal residence.

~~(86)~~*(80)* "Truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.

~~(87)~~*(81)* "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

~~(88)~~*(82)* "Under the influence" ~~has the meaning provided in 61-8-1001~~ *means that as a result of taking into the body alcohol, drugs, or any combination of alcohol and drugs, a person's ability to safely operate a vehicle has been diminished.*

~~(89)~~*(83)* "Used motor vehicle" includes any motor vehicle that has been sold, bargained, exchanged, or given away or had its title transferred from the person who first took title to it from the manufacturer, importer, dealer, wholesaler, or agent of the manufacturer or importer and that has been used so as to have become what is commonly known as "secondhand" within the ordinary meaning of that term.

~~(90)~~*(84)* "Van" means a motor vehicle designed for the transportation of at least six persons and not more than nine persons and intended for but not limited to family or personal transportation without compensation.

~~(91)~~*(85)* (a) "Vehicle" means a device in, on, or by which any person or property may be transported or drawn on a public highway, except devices moved by animal power or used exclusively on stationary rails or tracks.

(b) The term does not include a manually or mechanically propelled wheelchair or other low-powered, mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is used as a means of mobility for that person.

~~(92)~~*(86)* "Vehicle identification number" means the number, letters, or combination of numbers and letters assigned by the manufacturer, by the department, or in accordance with the laws of another state or country for the purpose of identifying the motor vehicle or a component part of the motor vehicle.

~~(93)~~*(87)* "Vessel" means every description of watercraft, unless otherwise defined by the department, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

~~(94)~~*(88)* "Wholesaler" means a person that for a commission or with intent to make a profit or gain of money or other thing of value sells, exchanges, or attempts to negotiate a sale or exchange of an interest in a used motor vehicle, trailer, semitrailer, pole trailer, travel trailer, motorboat, snowmobile, off-highway vehicle, or special mobile equipment only to dealers and auto auctions licensed under chapter 4, part 1."

Section 9. Section 61-2-102, MCA, is amended to read:

"**61-2-102. Definitions.** ~~Unless the context requires otherwise, in this part~~ *As used in this part, unless the context requires otherwise*, the following definitions apply:

(1) "Department" means the department of transportation.

(2) "Highway traffic safety program" means a program designed to reduce traffic accidents, deaths, injuries to persons, and damage to property. The program must be in accordance with uniform guidelines established pursuant to 23 U.S.C. 402, as amended, and may include defensive driving programs administered by the entity designated by the governor in 61-2-103. Nothing in this part restricts or prohibits the establishment of standards that enlarge or implement the federal standards.

(3) "Political subdivisions" means each county, incorporated city or town, and school district within the boundaries of the state."

Section 10. Section 61-3-201, MCA, is amended to read:

"**61-3-201. Certificate of title required -- nonresident title -- exclusions -- *definition*.** (1) Except as provided in subsection (3), the owner of a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile that is in this state and for which a certificate of title has not been issued by or an electronic record of title has not been created by the department shall apply to the department, its authorized agent, or a county treasurer for a certificate of title for the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile.

(2) The department may determine requirements for nonresident businesses to apply for a title in this state and the department:

(a) may produce a title for nonresident business applicants;

(b) may enter a voluntary security interest or lien on the title in accordance with 61-3-103;

(c) is authorized to establish an application fee and title fee for nonresident applicants;

(d) shall require an applicant to submit a penalty bond of no less than $250,000 payable to the motor vehicle division, conditioned that the applicant will not commit fraud against any purchaser, seller, financial institution, the state, or any other state by using this section.

(3) The following motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, or snowmobiles are exempt from the requirements of this part:

(a) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owned by the United States, unless the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile is registered in this state;

(b) except as required in 61-4-111, a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile that is:

(i) owned by a manufacturer, a dealer, a wholesaler, or an auto auction; and

(ii) held for sale, even though incidentally moved on the highway, used for purposes of testing or demonstration, or used solely by a manufacturer for testing;

(c) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owned by a nonresident or a nonresident who has an interest in real property in Montana who chooses not to register a motor vehicle in this state as provided in 61-3-303;

(d) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile regularly engaged in the interstate transportation of persons or property and:

(i) for which a currently effective certificate of title has been issued in another state or jurisdiction; or

(ii) that is properly registered under the provisions of Title 61, chapter 3, part 7;

(e) a vehicle moved solely by human or animal power;

(f) an implement of husbandry;

(g) special mobile equipment or a motor vehicle or trailer designed and used to apply fertilizer to agricultural land;

(h) a self-propelled wheelchair or tricycle used by a person with a disability;

(i) a dolly or converter gear;

(j) a mobile home or housetrailer;

(k) a manufactured home declared to be an improvement to real property under 15-1-116; or

(l) a golf cart unless it is operated by a person with a low-speed restricted driver's license.

(4) As used in this section, "dolly or converter gear" means a device consisting of one or two axles with a fifth wheel and trailer tongue used to support the forward end of a semitrailer, converting a semitrailer into a trailer."

Section 11. Section 61-3-206, MCA, is amended to read:

"**61-3-206. Odometer disclosure requirements on transfer of vehicle -- dealer to preserve record.** (1) Except as provided in subsection (4), before executing any transfer of ownership document relating to a motor vehicle, each seller of a motor vehicle shall record on the certificate of title the odometer reading at the time of transfer or, if the certificate of title does not provide for the recording of the odometer reading, furnish to the purchaser a written statement, to be signed by the seller, that contains the following information:

(a) the odometer reading at the time of transfer;

(b) the date of transfer;

(c) the seller's name and current address;

(d) the purchaser's name and current address;

(e) the motor vehicle year, make, model, body style, and identification number;

(f) one of the following statements or certification:

(i) a certification by the seller that, to the best of the seller's knowledge, the odometer reading reflects the actual miles or kilometers the vehicle has been driven;

(ii) if the seller knows that the odometer reading reflects the amount of mileage in excess of the designed mechanical odometer limit of 99,999 miles or kilometers, the seller shall include a statement to that effect; or

(iii) if the seller knows that the odometer reading differs from the number of miles or kilometers the motor vehicle has actually traveled and that the difference is greater than that caused by odometer calibration error, the seller shall include a statement that the odometer reading is not the actual mileage and should not be relied upon.

(2) The purchaser shall acknowledge receipt of the disclosure statement by signing it.

(3) For the purposes of this section, an odometer disclosure statement may be executed in electronic form and used with an electronic signature pursuant to Title 30, chapter 18, part 1.

(4) The seller of the following types of motor vehicles need not disclose the odometer reading of the vehicle as required in subsection (1):

(a) a motor vehicle with a 2010 model year or earlier;

(b) a motor vehicle with a 2011 model year or later that is 20 years old or older;

(c) a vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, or sailboat that is not self-propelled;

(d) a new motor vehicle transferred between dealers or wholesalers prior to its first retail sale, unless the motor vehicle has been used as a demonstrator;

(e) a motor vehicle having a gross weight rating of more than 16,000 pounds; or

(f) a motor vehicle sold directly by the manufacturer to an agency of the United States.

(5) A dealer, an auto auction, or a wholesaler licensed under chapter 4 of this title shall create a record of the information required in subsection (1) and shall maintain and preserve that record for at least 5 years after the date of sale of the motor vehicle to which the information pertains.

(6) A person convicted of violating this section is subject to the penalties provided in 61-3-607."

Section 12. Section 61-3-224, MCA, is amended to read:

"**61-3-224. Temporary registration permit -- issuance -- placement -- fees.** (1) (a) The department, an authorized agent, or a county treasurer may issue a temporary registration permit for any purpose authorized under the rules adopted by the department.

(b) An authorized agent or a county treasurer may issue a temporary registration permit without use of the department-approved electronic interface only if authorized by the department.

(2) A person, using a department-approved electronic interface, may issue a temporary registration permit for any purpose authorized under the rules adopted by the department. *When placed in a durable license-plate style plastic pouch approved by the department and displayed as prescribed in subsection (4), a temporary registration permit authorizes a person to operate the described motor vehicle, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for:*

(a) 40 days from the date the record is issued or until the vehicle is registered under Title 23 or this title, whichever occurs first; or

(b) 90 days from the date the record is issued for a permit issued pursuant to 61-3-303(4)(b).

(3) A temporary registration permit issued under this section must contain the following information:

(a) a temporary plate number as prescribed by the department;

(b) the expiration date of the temporary registration permit; and

(c) if required by the department, a description of the motor vehicle, trailer, semitrailer, pole trailer, motorboat, personal watercraft, sailboat, or snowmobile, including year, make, model, and vehicle identification number, the name of the person from whom ownership of the motor vehicle, trailer, semitrailer, pole trailer, motorboat, personal watercraft, sailboat, or snowmobile was transferred, the name, mailing address, and residence address of the person to whom ownership of the motor vehicle, trailer, semitrailer, pole trailer, motorboat, personal watercraft, sailboat, or snowmobile has been transferred, and the date of issuance.

(4) A temporary registration permit for:

(a) a motor vehicle, trailer, semitrailer, or pole trailer must be plainly visible and firmly attached to the rear exterior of the vehicle where a license plate is required to be displayed; and

(b) a motorboat, a sailboat that is 12 feet in length or longer, a snowmobile, or an off-highway vehicle must be plainly visible and firmly attached to the vehicle or vessel.

(5) (a) Except as provided in 61-3-431 and subsections (5)(b) and (5)(c) of this section, a $19.50 fee is imposed upon issuance of a temporary registration permit by the department, an authorized agent, or a county treasurer. The fee must be paid by the owner of the vehicle or vessel and collected by the department, the authorized agent, or a county treasurer when the vehicle is registered.

(b) Except as provided in 61-3-431, a fee of $24.50 is imposed and must be paid upon issuance of a temporary registration permit by:

(i) the department, an authorized agent, or a county treasurer to a nonresident of this state who acquires a vehicle or vessel in this state or who registers for temporary use in this state a quadricycle or motorcycle designed for off-road recreational use; or

(ii) a person who issued a temporary registration permit using a department-approved electronic interface.

(c) A fee of $24 is imposed and must be paid upon issuance of a temporary registration permit for a 90-day temporary registration permit as provided in 61-3-303(4)(b).

(6) The fees imposed under this section, upon collection, must be forwarded to the state and deposited as follows:

(a) $16.50 from each permit fee collected pursuant to subsection (5) in the state special revenue account established in 44-10-204; and

(b) the remainder in the motor vehicle electronic commerce operating account provided for in 61-3-118.

(7) If a temporary registration permit is issued under this section to a person to whom ownership of a vehicle or vessel has been transferred, the permitholder shall title and register the vehicle or vessel in this or another jurisdiction before the ownership of the vehicle or vessel may be transferred to another person."

Section 13. Section 61-3-226, MCA, is amended to read:

"**61-3-226. Certificate of title -- transfer on death -- *definition*.** (1) The owner or joint owners of a vehicle or vessel may arrange for nonprobate transfer of the vehicle's or vessel's title at the time of death of the owner or last surviving joint owner by completing the beneficiary designation on the application for certificate of title prescribed by the department.

(2) The beneficiary designation must include fields for the following information:

(a) the make, model, year, and vehicle identification number of the vehicle or vessel;

(b) the name and signature of the owner or every joint owner of the vehicle or vessel, signed under penalty of unsworn falsification as provided in 45-7-203; and

(c) the name of the beneficiary or the names of the beneficiaries of the vehicle or vessel.

(3) (a) A beneficiary designation is perfected when it is submitted to the department with an application for certificate of title and if it provides the information and signatures required in subsection (2).

(b) An instrument for the testamentary transfer of a vehicle or vessel does not invalidate a perfected beneficiary designation.

(4) The owner or joint owners of a vehicle or vessel may revoke a perfected beneficiary designation by:

(a) transferring the vehicle or vessel to the beneficiary or a third party before death; or

(b) submitting a new beneficiary designation with an application for certificate of title.

(5) (a) After the death of the owner or last surviving joint owner of a vehicle or vessel subject to a perfected beneficiary designation, the beneficiary may present the proof of death of the owner or joint owners of the vehicle or vessel listed as a beneficiary and identification of the beneficiary to the department, to the county treasurer's office, or to an authorized agent and:

(i) request a replacement title for the vehicle or vessel; or

(ii) effect transfer of the title of the vehicle or vessel as required by 61-3-220.

(b) The beneficiary does not acquire any use, ownership, economic, or other interest in the vehicle or vessel until the beneficiary has filed the documents required by subsection (4) and the department, the county treasurer's office, or an authorized agent has either issued a replacement title or effected the transfer of the title.

(6) This section does not limit the rights of a lienholder whose lien attached to the vehicle or vessel prior to the death of the owner or last surviving joint owner named on the beneficiary designation.

(7) As used in this section, ~~the following definitions apply:~~

~~(a)~~ "vehicle" means a *motor* vehicle*,* ~~or~~ camper ~~as those terms are defined by 61-1-101~~, manufactured home ~~as defined by 15-24-201~~, mobile home ~~as defined by 15-24-201~~, or other item for which a certificate of title is issued by the department and that have not been considered or declared an improvement to real property pursuant to 15-1-116~~;~~.

~~(b) "vessel" means a vessel as defined by 61-1-101.~~"

Section 14. Section 61-3-301, MCA, is amended to read:

"**61-3-301. Registration -- license plate required -- display -- *definition*.** (1) (a) A person may not operate a motor vehicle, trailer, semitrailer, pole trailer, or travel trailer upon the public highways of Montana unless the motor vehicle, trailer, semitrailer, pole trailer, or travel trailer is properly registered and has the proper license plates conspicuously displayed on the motor vehicle, trailer, semitrailer, pole trailer, or travel trailer. A license plate must be securely fastened to prevent it from swinging and may not be obstructed from plain view.

(b) (i) Except as provided in 61-4-120, 61-4-129, and subsections (1)(b)(ii) through (1)(b)(iv) of this section, all motor vehicles must have one license plate displayed horizontally on the front and one license plate displayed horizontally on the rear of the motor vehicle.

(ii) A motorcycle, quadricycle, trailer, semitrailer, pole trailer, or travel trailer must have a single license plate displayed on the rear of the vehicle, which may be displayed horizontally or vertically if available space does not permit horizontal display.

(iii) A custom vehicle or a street rod registered under 61-3-320(1)(b) or (1)(c)(iii) may display a single license plate firmly attached to the rear exterior of the custom vehicle or street rod.

(iv) If a person is not able to comply with the requirement that a front license plate be displayed because of the body construction of the motor vehicle, the person may submit to the highway patrol an application for a waiver along with a $25 inspection fee. A certificate of waiver must be issued upon inspection of the vehicle by a highway patrol officer. The certificate must at all times be carried in the motor vehicle and must be displayed upon demand of a peace officer. Money collected from the inspection fee must be deposited in a highway revenue account in the state special revenue fund to the credit of the department of transportation.

(c) A person may not display on a motor vehicle, trailer, semitrailer, pole trailer, or travel trailer at the same time a number assigned to it under any motor vehicle law except as provided in this chapter.

(d) A low-speed electric vehicle or a golf cart operated by a person with a low-speed restricted driver's license must have special license plates, as provided in 61-3-332(9), displayed on the front and rear of the vehicle.

(2) A person may not purchase or display on a motor vehicle, trailer, semitrailer, pole trailer, or travel trailer a license plate bearing the number assigned to any county, as provided in 61-3-332, other than the county where the vehicle is domiciled or the county where the trailer, semitrailer, pole trailer, or travel trailer is domiciled at the time of application for registration.

(3) It is unlawful to:

(a) display license plates issued to one motor vehicle, trailer, semitrailer, pole trailer, or travel trailer on any other motor vehicle, trailer, semitrailer, pole trailer, or travel trailer unless legally transferred as provided by statute;

(b) repaint old license plates to resemble current license plates; or

(c) invert or reverse a license plate. License plates displayed horizontally must be readable from left to right. License plates displayed vertically must be readable from top to bottom.

(4) ~~For the purposes of~~ *As used in* this section, "conspicuously displayed" means that the required license plates are obviously visible and firmly attached by two separate fasteners to:

(a) the front bumper and the rear bumper of a motor vehicle that is subject to subsection (1)(b)(i) and is equipped with front and rear bumpers; or

(b) a clearly visible location on the rear of a trailer, semitrailer, pole trailer, travel trailer, or motor vehicle that is subject to subsections (1)(b)(ii) through (1)(b)(iv)."

Section 15. Section 61-3-317, MCA, is amended to read:

"**61-3-317. New registration required for transferred motor vehicle -- grace period -- penalty -- display of proof of purchase.** (1) The new owner of a transferred motor vehicle, trailer, semitrailer, or pole trailer has a grace period of 40 calendar days from the date of purchase to make application for a certificate of title and pay the registration fees, fees in lieu of tax and other fees required by this chapter, and local option taxes, if applicable. However, the motor vehicle, trailer, semitrailer, or pole trailer may not be operated upon the streets and highways of this state during this period unless a temporary registration permit has been issued for and is properly displayed on the motor vehicle, trailer, semitrailer, or pole trailer as permitted by 61-3-224.

(2) If the motor vehicle, trailer, semitrailer, or pole trailer was not purchased from a licensed motor vehicle dealer as provided in this chapter, it is not a violation of this chapter or any other law for the purchaser to operate the motor vehicle, trailer, semitrailer, or pole trailer upon the streets and highways of this state without a current registration receipt or registration decal during the period allowed under ~~61-1-101(81)(b)~~ *61-3-224* if at all times during that period a temporary registration permit issued under 61-3-224 is properly displayed."

Section 16. Section 61-3-321, MCA, is amended to read:

"**61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration fees -- disposition of fees -- definition.** (1) Except as otherwise provided in this section, registration fees must be paid upon registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers, semitrailers, and pole trailers as provided in subsections (2) through (20).

(2) (a) Except as provided in subsection (2)(b), unless a light vehicle is permanently registered under 61-3-562, the annual registration fee for light vehicles, trucks, and buses that weigh 1 ton or less and for logging trucks that weigh 1 ton or less is as follows:

(i) if the vehicle is 4 or less years old, $217;

(ii) if the vehicle is 5 through 10 years old, $87; and

(iii) if the vehicle is 11 or more years old, $28.

(b) For a light vehicle with a manufacturer's suggested retail price of more than $150,000 that is 10 years old or less, the annual registration fee is the amount provided for in subsection (2)(a) plus $825.

(3) (a) Except as provided in subsections (3)(b) and (15), the one-time registration fee based on the declared weight of a trailer, semitrailer, or pole trailer is as follows:

(i) if the declared weight is less than 6,000 pounds, $61.25; or

(ii) if the declared weight is 6,000 pounds or more, $148.25.

(b) For a trailer, semitrailer, or pole trailer that is registered under 61-3-701, the annual registration fee based on the declared weight is as follows:

(i) if the declared weight is less than 6,000 pounds, $30; or

(ii) if the declared weight is 6,000 pounds or more, $60.

(4) Except as provided in subsection (15), the one-time registration fee for motor vehicles owned and operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:

(a) 2,850 pounds and over, $10; and

(b) under 2,850 pounds, $5.

(5) (a) Except as provided in subsections (5)(b) and (15), the one-time registration fee for off-highway vehicles other than a quadricycle or motorcycle is $61.25.

(b) Whenever a valid summer motorized recreation trail pass issued pursuant to 23-2-111 is affixed to an off-highway vehicle other than a quadricycle or motorcycle, the one-time registration fee is $41.25.

(6) The annual registration fee for heavy trucks, buses, and logging trucks in excess of 1 ton is $22.75.

(7) (a) Except as provided in subsection (7)(c), the annual registration fee for a motor home, based on the age of the motor home, is as follows:

(i) less than 2 years old, $282.50;

(ii) 2 years old and less than 5 years old, $224.25;

(iii) 5 years old and less than 8 years old, $132.50; and

(iv) 8 years old and older, $97.50.

(b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee under this section may permanently register the motor home upon payment of:

(i) a one-time registration fee of $237.50;

(ii) unless a new set of license plates is being issued, an insurance verification fee of $5, which must be deposited in the account established under 61-6-158;

(iii) if applicable, five times the renewal fees for personalized license plates under 61-3-406; and

(iv) if applicable, the donation fee for a generic specialty license plate under 61-3-480 or a collegiate license plate under 61-3-465.

(c) For a motor home with a manufacturer's suggested retail price of more than $300,000 that is 10 years old or less, the annual registration fee is the amount provided in subsection (7)(a) plus $800.

(8) (a) (i) Except as provided in subsections (8)(b), (8)(c), and (15), the one-time registration fee for motorcycles and quadricycles registered for use on the public highways is $53.25, the one-time registration fee for motorcycles and quadricycles registered for off-highway use is $53.25, and the one-time registration fee for motorcycles and quadricycles registered for both off-road use and for use on the public highways is $114.50.

(ii) An additional fee of $16 must be collected for the registration of each motorcycle or quadricycle as a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.

(b) (i) The annual registration fee for motorcycles and quadricycles registered for use on the public highways under 61-3-701 is $44.

(ii) The annual registration fee for motorcycles and quadricycles registered for off-highway use under 61-3-701 is $44.

(iii) The annual registration fee for motorcycles and quadricycles registered for both off-road use and for use on the public highways under 61-3-701 is $88.

(iv) An additional safety fee of $7 must be collected annually for each motorcycle or quadricycle registered under 61-3-701. The safety fee must be deposited in the state motorcycle safety account provided for in 20-25-1002.

(c) Whenever a valid summer motorized recreation trail pass issued pursuant to 23-2-111 is affixed to a motorcycle or quadricycle, the one-time registration fee for motorcycles and quadricycles registered for:

(i) use on the public highways is $33.25; and

(ii) both off-road use and for use on the public highways is $94.50.

(9) Except as provided in subsection (15), the one-time registration fee for travel trailers, based on the length of the travel trailer, is as follows:

(a) under 16 feet in length, $72; and

(b) 16 feet in length or longer, $152.

(10) Except as provided in subsection (15), the one-time registration fee for a motorboat, sailboat, personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:

(a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length, $65.50;

(b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in length, $125.50; and

(c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, $295.50.

(11) (a) Except as provided in subsections (11)(b), (11)(c), and (15), the one-time registration fee for a snowmobile is $60.50.

(b) Whenever a valid winter trail pass issued pursuant to 23-2-636 is affixed to a snowmobile, the one-time registration fee is $40.50.

(c) (i) A snowmobile that is licensed by a Montana business and is owned exclusively for the purpose of daily rental to customers is assessed:

(A) a fee of $40.50 in the first year of registration; and

(B) if the business reregisters the snowmobile for a second year, a fee of $20.

(ii) If the business reregisters the snowmobile for a third year, the snowmobile must be permanently registered and the business is assessed the registration fee imposed in subsection (11)(a).

(12) (a) The one-time registration fee for a low-speed electric vehicle is $25.

(b) The one-time registration fee for a golf cart that is owned by a person who has or is applying for a low-speed restricted driver's license is $25.

(c) The one-time registration fee for golf carts authorized to operate on certain public streets and highways pursuant to 61-8-391 is $25. Upon receipt of the fee, the department shall issue the owner a decal, which must be displayed visibly on the golf cart.

(13) (a) Except as provided in subsection (13)(b), a fee of $12 must be collected when a new set of standard license plates, a new single standard license plate, or a replacement set of special license plates required under 61-3-332 is issued. The fee imposed under this subsection (13)(a) does not apply when previously issued license plates are transferred under 61-3-335. All registration fees imposed under this section must be paid if the vehicle to which the plates are transferred is not currently registered.

(b) An additional fee of $16 must be collected if a vehicle owner elects to keep the same license plate number from license plates issued before January 1, 2010, when replacement of those plates is required under 61-3-332(3).

(c) The fees imposed in this subsection (13) must be deposited in the account established under 61-6-158, except that $2 of the fee imposed in subsection (13)(a) must be deposited in the state general fund.

(14) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a vehicle or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(d), (1)(e), (1)(g), (1)(h), (1)(i), (1)(k), (1)(l), (1)(n), or (1)(o), 15-6-203, or 15-6-215, except as provided in 61-3-520.

(15) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle, quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, snowmobile, motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411, or low-speed electric vehicle is transferred, the new owner shall title and register the vehicle or vessel as required by this chapter and pay the fees imposed under this section.

(16) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

(17) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

(18) The fees imposed by subsections (2) through (12) are not required to be paid by a dealer for the enumerated vehicles or vessels that constitute inventory of the dealership.

(19) (a) Unless a person exercises the option in either subsection (19)(b) or (19)(c), an additional fee of $9 must be collected for each light vehicle registered under this part. This fee must be accounted for and transmitted separately from the registration fee. Of the $9 fee:

(i) $6.74 must be deposited in the state special revenue account established in 23-1-105 and used for state parks;

(ii) 50 cents must be deposited in an account in the state special revenue fund to the credit of the department of fish, wildlife, and parks and used for fishing access sites;

(iii) $1.37 must be deposited in the trails and recreation facilities state special revenue account established in 23-2-108; and

(iv) 39 cents must be deposited in the Montana heritage preservation and development account established in 22-3-1004 and used for the operation of state-owned facilities at Virginia City and Nevada City.

(b) A person who registers a light vehicle may, at the time of annual registration, certify that the person does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election not to pay the additional $9 fee provided for in subsection (19)(a). If a written election is made, the fee may not be collected.

(c) (i) A person who registers one or more light vehicles may, at the time of annual registration, certify that the person does not intend to use any of the vehicles to visit state parks and fishing access sites and may make a written election not to pay the additional $9 fee provided for in subsection (19)(a). If a written election is made, the fee may not be collected at any subsequent annual registration unless the person makes the written election to pay the additional fee on one or more of the light vehicles.

(ii) The written election not to pay the additional fee on a light vehicle expires if the vehicle is registered to a different person.

(20) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle, quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of $10 must be collected and forwarded to the state for deposit in the account established in 44-1-504.

(21) (a) If a person exercises the option in subsection (21)(b), an additional fee of $5 must be collected for each light vehicle registered under this part. This fee must be accounted for and transmitted separately from the registration fee. The fee must be deposited in an account in the state special revenue fund. Funds in the account are statutorily appropriated, as provided in 17-7-502, to the department of transportation and must be allocated as provided in 60-3-309.

(b) A person who registers one or more light vehicles may, at the time of annual registration, make a written or electronic election to pay the additional $5 fee provided for in subsection (21)(a).

(22) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by 61-3-721.

(23) (a) The $800 and $825 amounts collected based on the manufacturer's suggested retail price in subsections (2) and (7) are exempt from the provisions of 15-1-122 and must be deposited in the motor vehicle division administration account established in 61-3-112.

(b) By August 15 of each year, beginning in the fiscal year beginning July 1, 2019, the department of justice shall deposit into the general fund an amount equal to the fiscal yearend balance minus 25% of the current fiscal year appropriation for the account established in 61-3-112.

(24) ~~For the purposes of~~ *As used in* this section, "manufacturer's suggested retail price" means the price suggested by a manufacturer for each given type, style, or model of a light vehicle or motor home produced and first made available for retail sale by the manufacturer."

Section 17. Section 61-3-412, MCA, is amended to read:

"**61-3-412. Display of original Montana license plates or collector reproduction license plates on collector's item and general transportation collector's item motor vehicles -- definitions -- validation.** (1) As used in 61-3-413 and this section, the following definitions apply:

(a) "Collector reproduction license plate" means a license that is a reproduction of the original license plate issued according to the provisions of 61-3-331; section 53-116, R.C.M. 1947; section 1759.1, R.C.M. 1935; or section 1759, R.C.M. 1921; whichever section was effective during the year of the manufacture of the motor vehicle, trailer, semitrailer, or pole trailer on which the license plate is authorized to be displayed. To qualify as a collector reproduction license plate, the reproduction plate must be made of metal, must be the same size and color as the original license plate, and must have the same design, including any embossed or raised letters or numbers, as the original license plate.

(b) "General transportation collector's item" means a motor vehicle, trailer, semitrailer, or pole trailer that is 25 years old or older and that is used for general transportation purposes.

~~(b)~~*(c)* "Original Montana license plate" means a license plate issued according to the provisions of 61-3-331; section 53-116, R.C.M. 1947; section 1759.1, R.C.M. 1935; or section 1759, R.C.M. 1921; whichever section was effective during the year of the manufacture of the motor vehicle, trailer, semitrailer, or pole trailer on which the license plate is authorized to be displayed.

(2) Notwithstanding the provisions of 61-3-332, the department shall authorize the owner of a motor vehicle, trailer, semitrailer, or pole trailer registered as provided in 61-3-411 or 61-3-413 to display original Montana license plates or collector reproduction license plates, with validation as required in 61-3-413 or subsection (4) of this section, after:

(a) payment of the fee required in subsection (6);

(b) inspection by a highway patrol officer of the original Montana license plate or collector reproduction license plate to be displayed on the motor vehicle, trailer, semitrailer, or pole trailer and, upon payment of a $5 fee, receipt of the highway patrol officer's certification that the officer has determined that:

(i) the license plate is legible and meets the requirements of subsection (1); and

(ii) in the case of a license plate intended for use on a general transportation collector's item, the license plate is visible at night;

(c) receipt of an application by the owner of the motor vehicle, trailer, semitrailer, or pole trailer as provided for in 61-3-411 or 61-3-413; and

(d) in the case of a general transportation collector's item application, certification from the department that a duplicate license plate number does not exist among currently issued license plates.

(3) The owner of a motor vehicle, trailer, semitrailer, or pole trailer manufactured in the year 1948, 1949, or 1950 may display a single original Montana license plate that is affixed to the rear of the vehicle. The original Montana license plate must be legible and must bear the year that matches the year in which the vehicle was manufactured.

(4) If the owner of a motor vehicle, trailer, semitrailer, or pole trailer meets the requirements of subsection (2), the department shall:

(a) register the motor vehicle, trailer, semitrailer, or pole trailer as prescribed in 61-3-303; and

(b) issue a validating decal inscribed with:

(i) a unique number; and

(ii) the letter:

(A) "P" to designate motor vehicles, trailers, semitrailers, or pole trailers described in 61-3-411(2)(a); or

(B) "V" to designate motor vehicles, trailers, semitrailers, or pole trailers described in 61-3-411(2)(b).

(5) The owner of the motor vehicle, trailer, semitrailer, or pole trailer shall permanently affix the validating decal to the windshield of the collector's item motor vehicle, trailer, semitrailer, or pole trailer or, if a windshield does not exist, to another prominent and visible position on the motor vehicle, trailer, semitrailer, or pole trailer.

(6) The owner of the motor vehicle, trailer, semitrailer, or pole trailer shall pay to the department with the application required under this section a one-time special collector's item motor vehicle, trailer, semitrailer, or pole trailer license fee of $20."

Section 18. Section 61-3-413, MCA, is amended to read:

"**61-3-413. Registration of motor vehicle as general transportation collector's item -- definition -- permanent registration required.** ~~(1) For the purposes of 61-3-412 and this section, a "general transportation collector's item" is a motor vehicle, trailer, semitrailer, or pole trailer that is 25 years old or older and that is used for general transportation purposes.~~

~~(2)~~*(1)* An owner of a general transportation collector's item who wishes to display original Montana license plates or collector reproduction license plates on the motor vehicle, trailer, semitrailer, or pole trailer shall file with the department an application for the registration of the motor vehicle, trailer, semitrailer, or pole trailer. The application must state:

(a) the name and address of the owner;

(b) the year and number of the license plate the applicant wishes to use; and

(c) the make, the gross weight, the year and number of the model, and the manufacturer's identification number and serial number of the motor vehicle, trailer, semitrailer, or pole trailer.

~~(3)~~*(2)* Upon receipt of an application for registration of a general transportation collector's item that will display an original Montana license plate, the department shall compare the number of the license plate that the applicant intends to use with the license plate numbers assigned to currently registered motor vehicles, trailers, semitrailers, or pole trailers. The

department may reject an application if the number the applicant intends to use matches a number that is assigned to a currently registered motor vehicle, trailer, semitrailer, or pole trailer. If the department approves the application, the department shall file the application and register the motor vehicle, trailer, semitrailer, or pole trailer in the manner specified in 61-3-101.

~~(4)~~*(3)* Upon receipt of an application for registration of a general transportation collector's item that will display a collector reproduction license plate, the department shall determine a distinctive license plate number to be assigned to the collector reproduction license plate. The department may:

(a) issue a new license plate number following the requirements for issuing distinctive license plate numbers under 61-3-331;

(b) issue a new personalized license plate number under 61-3-401 through 61-3-406; or

(c) at the request of the owner, transfer a license plate number that is already assigned to the general transportation collector's item or another motor vehicle owned by the owner of the general transportation collector's item.

~~(5)~~*(4)* The general transportation collector's item owner may take the license plate number issued pursuant to subsection ~~(4)~~ *(3)* and purchase a collector reproduction license plate from any source.

~~(6)~~*(5)* The one-time application fee for a collector reproduction license plate under subsection ~~(4)~~ *(3)* is $50. The fee must be deposited as follows:

(a) $25 must be deposited into the state special revenue account to partially fund highway patrol officers' salaries established in 44-1-504; and

(b) $25 must be deposited into the motor vehicle division administration account established in 61-3-112.

~~(7)~~*(6)* Once an application is approved, appropriate fees are paid, and the requirements provided in 61-3-412(2) are met, an owner of a general transportation collector's item shall permanently register the motor vehicle, trailer, semitrailer, or pole trailer as provided in 61-3-562 and shall display on the motor vehicle's, trailer's, semitrailer's, or pole trailer's license plate a decal indicating that the motor vehicle, trailer, semitrailer, or pole trailer has been permanently registered."

Section 19. Section 61-3-503, MCA, is amended to read:

"**61-3-503. Assessment -- definition.** (1) (a) Except as provided in 61-3-520, light vehicles subject to a local option motor vehicle tax under 61-3-537 must be assessed the tax as of the first day of the registration period, using the depreciated value of the manufacturer's suggested retail price as determined in subsection (2).

(b) If the depreciated value is less than $500, the department shall value the motor vehicle at $500.

(2) (a) Except as provided in subsections (2)(c) and (2)(d), the depreciated value for the taxation of light vehicles is computed by multiplying the manufacturer's suggested retail price by a percentage multiplier based on the type and age of the light vehicle determined from the following table:

Age of Vehicle	Type of Vehicle			
(in years)	Automobile	Truck	Van	Sport Utility
-1	100%	100%	100%	100%
0	90	96	93	98
1	80	91	86	94
2	69	86	78	90

3	58	80	69	84
4	49	73	60	76
5	41	66	52	67
6	33	57	45	57
7	26	49	38	48
8	21	43	32	39
9	17	37	27	33
10	14	31	22	29
11	12	26	18	25
12	10	22	15	22
13	09	18	13	21
14	09	15	11	19
15	09	13	09	17
16	09	12	09	15

(b) The age for the light vehicle is determined under 61-3-501.

(c) If the value of the light vehicle determined under subsection (2)(a) is $500 or less, the value of the light vehicle is $500 and the value must remain at that amount as long as the light vehicle is registered.

(d) The depreciated value of a light vehicle that is 17 years old or older is computed by depreciating the value obtained for the vehicle at 16 years old, as determined under subsection (2)(a), by 10% a year until a minimum value of $500 is attained. The value must remain at that amount as long as the light vehicle is registered.

(3) (a) ~~For the purposes of~~ *As used in* this section, "manufacturer's suggested retail price" means the price suggested by the manufacturer for each given type, style, or model of light vehicle produced and first made available for retail sale by the manufacturer.

(b) The manufacturer's suggested retail price is based on standard equipment of a light vehicle and does not contain price additions or deductions for optional accessories.

(c) When a manufacturer's suggested retail price is unavailable for a motor vehicle, the department shall determine an alternative valuation for the motor vehicle."

Section 20. Section 61-4-102, MCA, is amended to read:

"**61-4-102. Dealer plates -- restriction of use -- fees -- *definitions.*** (1) Except as provided in subsection (2), the department shall furnish a dealer licensed under this part with one or more sets of numbered dealer plates in accordance with the provisions of this section.

(2) Dealer plates may not be issued to a new or used dealer whose business is restricted to the sale of motorcycles, power sports vehicles, or trailers.

(3) (a) In addition to the fees required under the provisions of 61-4-101 and 61-4-124, an applicant for a dealer's license shall pay an annual fee of $25 for each set of numbered dealer plates requested and issued.

(b) The number of dealer plates that may be issued to a dealer must be determined as follows:

(i) a dealer is entitled to one set of dealer plates upon the issuance of an original license or a renewed license;

(ii) an applicant qualified for a license renewal is entitled to additional sets of numbered plates based on the following formula:

(A) 5% of the first 100 motor vehicle sales for the previous year; plus

(B) 3% of the next 100 motor vehicle sales for the previous year; plus

(C) 2% of motor vehicle sales in excess of 200 for the previous year; and

(iii) a dealer is entitled to additional sets of dealer plates during a license term as the dealer's sales incrementally meet or exceed the requirements of the formula established in subsection (3)(b)(ii). However, the aggregate number of sets of dealer plates issued to a dealer under this subsection (3)(b)(iii) may not exceed the combined number allowed under subsections (3)(b)(i) and (3)(b)(ii).

(4) (a) A dealer is authorized to use and display dealer plates on a motor vehicle, except a motorcycle, held for bona fide sale by the dealer and that is operated by or under the control of the dealer, the dealer's spouse, officers, or employees. *The display of a Monroney label or a buyer's guide label, as required by 61-4-123(2), on a motor vehicle bearing dealer plates is, for the purpose of this subsection (4), prima facie evidence that the motor vehicle is offered for bona fide sale by the dealer.*

(b) ~~For purposes of~~ *As used in* this subsection (4):

(i) the term "officers" includes only the persons listed on the manufacturer's franchise agreement or the importer's distribution agreement*;* and

(ii) the term "employees" means persons upon whom the dealer has paid social security taxes as a full-time employee~~; and~~.

~~(ii) the display of a Monroney label or a buyer's guide label, as required by 61-4-123(2), on a motor vehicle bearing dealer plates is prima facie evidence that the motor vehicle is offered for bona fide sale by the dealer.~~

(5) Dealer plates may not be used or displayed on motor vehicles used for hire, lease, or rental.

(6) (a) A dealer is accountable for each set of numbered dealer plates issued and, except as provided in subsection (6)(b), shall file an annual report with the department certifying the disposition of each set of dealer plates assigned to the dealer and specifying the name, address, and occupation of the person primarily using each set of plates.

(b) Upon reassignment of one or more sets of dealer plates to another person, within 15 days of the reassignment, the dealer shall notify the department, in a manner prescribed by the department, of the name, address, and occupation of the person to whom the plates were assigned."

Section 21. Section 61-4-104, MCA, is amended to read:

"**61-4-104. Record of purchase or sale -- *definitions.*** (1) (a) A dealer, wholesaler, or auto auction licensed under this part shall keep:

(i) a book or record of the purchases, sales or exchanges, or receipts for the purpose of sale of used vehicles; and

(ii) for each used vehicle, a description of the vehicle, the date of purchase, sale, or consignment of the vehicle, and the name and address of:

(A) the person from whom the dealer or wholesaler acquired the vehicle's ownership or, if consigned, possessory interest in the vehicle;

(B) the person to whom the dealer, wholesaler, or auto auction assigned the vehicle; and

(C) a secured party with a perfected security interest in the vehicle to which the dealer's, wholesaler's, or auto auction's interest is subordinate, if any.

(b) If the vehicle is a trailer, semitrailer, pole trailer, or special mobile equipment, the record must include the manufacturer's number and other numbers or identification marks that appear on the vehicle.

(c) The vehicle description must also include the vehicle identification number, if any, and must include a statement that a number has been obliterated, defaced, or changed if that has occurred.

(2) (a) Except as provided in subsection (2)(b), a dealer, wholesaler, or auto auction must also have the actual or a readily accessible photocopy, electronic copy, or digital copy of the actual assigned certificate of ownership, certificate of title, or manufacturer's certificate of origin from the owner of each vehicle in which the dealer, wholesaler, or auto auction acquires a property interest that transfers ownership of the vehicle to the dealer, wholesaler, or auto auction from the time the vehicle is delivered to the dealer, wholesaler, or auto auction until it has been disposed of by the dealer, wholesaler, or auto auction.

(b) A dealer may offer for sale or may sell or exchange a vehicle without having the assigned certificate of ownership, certificate of title, or manufacturer's certificate of origin if:

(i) the dealer has applied for the title as provided in Title 61, chapter 3, part 2; or

(ii) the vehicle is financed by the dealer as inventory through a financial institution, the financial institution holds the certificate of ownership, certificate of title, or manufacturer's certificate of origin as collateral, and the dealer has a readily accessible photocopy, electronic copy, or digital copy of the certificate of ownership, certificate of title, or manufacturer's certificate of origin.

(3) It is a violation of this part for a dealer, wholesaler, or auto auction to fail to:

(a) take assignment of the certificate of ownership, certificate of title, or manufacturer's certificate of origin for a vehicle acquired by the dealer, wholesaler, or auto auction; or

(b) assign the certificate of ownership, certificate of title, or manufacturer's certificate of origin for any vehicle sold in which the dealer, wholesaler, or auto auction has a property interest.

(4) (a) Except as provided in subsection (4)(b), all records required to be kept in accordance with this section and the odometer disclosure information required to be retained under 61-3-206(5) must be physically located and maintained at or readily accessible within the building referred to in 61-4-101.

(b) A dealer, wholesaler, or auto auction that does not maintain the actual certificate of ownership, certificate of title, or manufacturer's certificate of origin at the building referred to in 61-4-101 shall maintain a readily accessible record of the certificate of ownership, certificate of title, or manufacturer's certificate of origin at the building.

(c) ~~For the purposes of~~ *As used in* this section, "readily accessible" means available in paper form or in an electronic or digital format.

(5) An authorized representative of the department, upon presentation of the representative's credentials, may inspect and have access to and copy any records required under this chapter."

Section 22. Section 61-4-110, MCA, is amended to read:

"**61-4-110. Obligation of dealer to pay off liens on motor vehicles accepted in trade, purchase, or consignment -- duties of dealer and secured party -- *definition*.** (1) (a) If a dealer accepts a motor vehicle in trade or purchase from a customer and there is an outstanding loan balance owing on the traded or purchased motor vehicle, the dealer shall remit payment to the secured party to whom the balance on the traded or purchased motor vehicle is owed in an amount sufficient to satisfy the perfected security interest on the traded or purchased motor vehicle by the earlier of the following dates:

(i) 21 days from the date of acceptance of the motor vehicle in trade; or

(ii) 15 days from the date of the receipt by the dealer of payment in full from the sale of the traded motor vehicle.

(b) If a dealer accepts a motor vehicle from an owner for sale upon consignment and there is an outstanding loan balance owing on the consigned motor vehicle, the dealer shall remit payment to the secured party to whom the balance on the consigned motor vehicle is owed in an amount sufficient to satisfy the perfected security interest on the consigned motor vehicle within 15 days from the date of the receipt by the dealer of payment in full for sale of the consigned motor vehicle.

(2) A secured party who has been paid in full by a dealer in accordance with the terms of this section shall forward to the department a properly executed release within:

(a) 15 business days after the business day on which the funds are received when the funds are in cash, cashier's check, certified check, teller's check, or other certified source of funds;

(b) 18 business days after the business day on which the funds are received when the funds are in the form of a check drawn on a local originating depository institution; or

(c) 21 business days after the business day on which the funds are received when the funds are in the form of a check drawn on a nonlocal originating depository institution.

(3) ~~For purposes of~~ *As used in* this section, "business day" means a weekday, excluding any weekday upon which a legal holiday falls."

Section 23. Section 61-4-111, MCA, is amended to read:

"**61-4-111. Used vehicles -- transfer to and from dealers.** (1) Except as provided in 61-4-124(6), a dealer or wholesaler who intends to resell a used motor vehicle, power sports vehicle, or trailer and who operates the motor vehicle, power sports vehicle, or trailer only for demonstration purposes:

(a) is exempt from registration under 23-2-515, 23-2-616, 23-2-804, or 61-3-302(3) when applying for a certificate of title; and

(b) may transfer or receive ownership of a motor vehicle, power sports vehicle, or trailer by use of a dealer reassignment section on a certificate of title. However, when the allotted number of dealer reassignment sections on a certificate of title has been completed, ownership of the motor vehicle, power sports vehicle, or trailer may not be transferred until an application for a certificate of title has been submitted by the dealer or an authorized agent to an authorized agent or the department and a new certificate of title has been issued.

(2) Upon the transfer of a used motor vehicle, power sports vehicle, or trailer to a person other than a dealer or wholesaler, a temporary registration permit may be issued under 61-3-224 to the person to whom the used motor vehicle, power sports vehicle, or trailer was transferred if the dealer is an authorized agent~~, as defined in 61-1-101~~. In addition, the following acts are required of the dealer on or before the times set forth in this subsection:

(a) Within 30 calendar days following the date of delivery of the motor vehicle, power sports vehicle, or trailer or within 120 calendar days if a temporary registration permit is issued pursuant to 61-3-303(4)(b), the dealer shall forward to an authorized agent or to the county treasurer of the county where the owner of the motor vehicle, power sports vehicle, or trailer is domiciled:

(i) the assigned certificate of title or, if a certificate of title for the motor vehicle, power sports vehicle, or trailer has not been issued in this state, a copy of the then-current registration receipt or certificate in the dealer's possession; and

(ii) an application for a certificate of title executed by the new owner in accordance with the provisions of 61-3-216 and 61-3-220.

(b) Transmission of the documents by the dealer to the county treasurer or an authorized agent may be accomplished either by personal delivery, by first-class mail, or by electronic means, as authorized by the department.

(c) If the dealer is unable to forward the certificate of title or, if applicable, registration receipt within the time set forth in subsection (2)(a), the dealer is subject to the provisions of 61-4-119.

(3) Upon compliance by the dealer with the requirements in this section, title to the motor vehicle, power sports vehicle, or trailer is considered to have passed to the purchaser as of the date of the delivery of the motor vehicle, power sports vehicle, or trailer to the purchaser by the dealer, and the dealer has no further liability or responsibility with respect to the processing of registration."

Section 24. Section 61-4-121, MCA, is amended to read:

"**61-4-121. Temporary registration permit -- limitation on issuance and transfer -- violation -- penalty.** (1) If the dealer is an authorized agent~~, as defined in 61-1-101~~, the dealer may not issue more than one temporary registration permit under 61-4-111 or 61-4-112 for each motor vehicle sale.

(2) A dealer who violates the provisions of subsection (1) is subject to revocation of the privilege to issue temporary registration permits for a period of time determined by the department."

Section 25. Section 61-4-123, MCA, is amended to read:

"**61-4-123. Dealer requirements and restrictions -- *definition*.** (1) A used dealer may not sell a new motor vehicle, a new power sports vehicle, or a new trailer.

(2) A dealer may not display at the dealer's established place of business or any approved off-premises sale location a motor vehicle offered for sale, trade, or consignment unless the Monroney label required for new motor vehicles pursuant to 15 U.S.C. 1232 or the buyer's guide label required for used motor vehicles pursuant to 16 CFR, part 455, is affixed to the side window of the motor vehicle or is conspicuously displayed within the motor vehicle in a fashion that is readily readable by a customer.

(3) (a) Except as provided in subsection (4), a dealer may not sell or display a motor vehicle, power sports vehicle, or trailer offered for sale at any geographic location other than that of the dealer's established place of business as listed on the dealer's license.

(b) A dealer may park a motor vehicle in a storage lot if:

(i) local zoning regulations permit that type of use;

(ii) the lot is in the county where the dealer's established place of business is located;

(iii) the dealer does not sell or advertise the sale of the motor vehicle at the lot; and

(iv) if applicable, the placement of the motor vehicle complies with the dealer's franchise agreement.

(4) (a) Upon prior notice to the department, a dealer may conduct an off-premises display and sale at a geographic location other than that of the dealer's established place of business as listed on the dealer's license if the dealer obtains a permit from the department. The department may require proof from the dealer that the location proposed for the off-premises display and sale is in compliance with local zoning ordinances. An off-premises display and sale must be conducted within the county of the dealer's licensed location unless the off-premises display and sale are restricted to recreational vehicles or power sports vehicles. A new motor vehicle dealer whose area of responsibility under

the dealer's franchise agreement includes a county different from the county in which the dealer's established place of business is located may conduct an off-premises display and sale, subject to the agreement, in the other county if there is no other new motor vehicle dealer with an established place of business in that county. The display and sale authorized by this subsection (4)(a) may not exceed 10 consecutive days, and a licensed dealer may not conduct more than 10 off-premises displays and sales during any 1 calendar year.

(b) A dealer may display one or more motor vehicles, power sports vehicles, or trailers inside an airport terminal or shopping mall without obtaining an off-premises display and sale permit if no actual sales are made, or could be made, at the terminal or mall.

(c) Upon prior written notice to the department, a dealer may display one motor vehicle, power sports vehicle, or trailer at a geographic location other than that of the dealer's established place of business as listed on the dealer's license if no actual sales are made, or could be made, at the display location and the display:

(i) conspicuously promotes or supports an event or a program sponsored by a nonprofit corporation or association organized and operated exclusively for religious, charitable, scientific, or educational purposes and the motor vehicle, power sports vehicle, or trailer is displayed at a location where the event is being held or the program is being promoted; or

(ii) conspicuously promotes a joint commercial endeavor between the dealer and another clearly identified business entity and the motor vehicle, power sports vehicle, or trailer is displayed on premises owned or leased by the other business entity and where the other entity regularly conducts its business. A display under this subsection (4)(c)(ii) may not exceed 90 days in a calendar year.

(5) If more than one dealer displays motor vehicles, power sports vehicles, or trailers at the same geographic location as another dealer's established place of business, each dealer shall ensure that all records, office facilities, and inventory, if applicable, are physically segregated from those of the other dealer and clearly identified and attributed to the appropriate dealer.

(6) A dealer shall install and maintain telephone service at the dealer's established place of business. The telephone service must be listed in the directory assistance that applies to the area in which the business is located, or if a cellular service is used, the dealer's cell phone number must be posted at the dealer's established place of business.

(7) A dealer shall conspicuously post at the dealer's established place of business written notice indicating the regular and customary office hours maintained by the dealer.

(8) (a) A dealer shall carry and continuously maintain a general liability insurance policy that covers any motor vehicle bearing a set of dealer plates or a demonstrator plate and any power sports vehicle displaying a dealer's identification card that is offered for demonstration or loan to a customer or that otherwise may be operated by a customer in the regular course of the dealer's business operations.

(b) A dealer shall ensure that the department is named as a certificate holder on any general liability insurance policy held by the dealer, that the minimum term of the policy is 1 year, and that a lapse of insurance does not occur as a result of cancellation or termination of a previously certified policy.

(c) This subsection (8) does not relieve a dealer of the mandatory motor vehicle liability insurance obligation imposed under chapter 6 of this title.

(9) A dealer shall display at the dealer's established place of business at least one sign stating the name of the business and indicating that motor vehicles,

power sports vehicles, or trailers are offered for sale, trade, or consignment. The letters of the sign must be at least 6 inches in height and clearly visible and readable to the major avenue of traffic at a minimum distance of 150 feet.

(10) As used in this section "storage lot" means property owned, leased, or rented by a dealer that is not contiguous to the dealer's established place of business where a motor vehicle from the dealer's inventory may be placed when space at the dealer's established place of business is not available."

Section 26. Section 61-4-201, MCA, is amended to read:

"**61-4-201. Definitions.** As used in this part, the following definitions apply unless the context clearly indicates otherwise:

(1) "Community" means the relevant market area of a franchise. For the purposes of this part, the relevant market area of a franchise is the county or counties in which the franchisee is located.

(2) "Distribute" means to sell new motor vehicles other than at retail or to enter into a franchise agreement authorizing a dealer to buy new motor vehicles for resale or to service motor vehicles under a manufacturer's or distributor's warranty.

(3) "Distributor" or "wholesaler" means a person who sells or distributes a line-make of new motor vehicles to new motor vehicle dealers in this state or who maintains distributor representatives in this state.

(4) "Distributor branch" means a branch office maintained or availed of by a distributor or wholesaler for the sale of a line-make of new motor vehicles to new motor vehicle dealers in this state for directing or supervising its representatives in this state.

(5) "Factory branch" means a branch office maintained or availed of by a manufacturer for the sale of a line-make of new motor vehicles to distributors or for the sale of new motor vehicles to new motor vehicle dealers in this state or for directing or supervising its representatives in this state.

(6) "Franchise" means a contract and any agreed-to amendments between or among two or more persons when all of the following conditions are included:

(a) a commercial relationship of definite duration or continuing indefinite duration is involved;

(b) the franchisee is granted the right to:

(i) offer, sell, and service in this state new motor vehicles manufactured or distributed by the franchisor; or

(ii) service motor vehicles pursuant to the terms of a franchise and a manufacturer's warranty;

(c) the franchisee, as an independent and separate business, constitutes a component of the franchisor's distribution system; and

(d) the operation of the franchisee's business is substantially reliant on the franchisor for the continued supply of new motor vehicles, parts, and accessories.

(7) "Franchisee" means a person who receives new motor vehicles from the franchisor under a franchise and who offers, sells, and services the new motor vehicles to and for the general public.

(8) "Franchisor" means a person who manufactures, imports, or distributes new motor vehicles and who may enter into a franchise.

(9) "Importer" means a person who transports or arranges for the transportation of a foreign manufactured new motor vehicle into the United States for sale in this state.

(10) "Line-make" means vehicles that are offered for sale, lease, or distribution under a common name, trademark, or service mark.

(11) "Manufacturer" means a person who manufactures or assembles a line-make of new motor vehicles and distributes them directly or indirectly

through one or more distributors to one or more new motor vehicle dealers in this state or who manufactures or installs on previously assembled truck chassis special bodies or equipment that, when installed, forms an integral part of the new motor vehicle and that constitutes a major manufacturing alteration, but does not include a person who installs a camper on a pickup truck. The term includes a central or principal sales corporation or other entity through which, by contractual agreement or otherwise, a manufacturer distributes its products.

(12) "Motor vehicle" includes a motorboat and a personal watercraft ~~as defined in 23-2-502~~, a snowmobile as defined in 23-2-601, and an off-highway vehicle as defined in 23-2-801.

(13) "New motor vehicle" means a motor vehicle that has not been the subject of a retail sale regardless of the mileage of the vehicle.

(14) "New motor vehicle dealer" means a person who buys, sells, exchanges, or offers or attempts to negotiate a sale or exchange or any interest in or who is engaged in the business of selling new motor vehicles under a franchise with the manufacturer of the new motor vehicles or used motor vehicles taken in trade on new motor vehicles.

(15) (a) "Retail sale" means the sale of a new motor vehicle.

(b) "Retail sale" does not mean a sale:

(i) of a new motor vehicle to a purchaser who is acquiring the vehicle for the purposes of a resale; or

(ii) that is the result of a transfer between two licensed new motor vehicle dealers.

(16) "Transferee" means a person or entity that:

(a) is in possession or control of a new motor vehicle dealer;

(b) holds an ownership or signed contract interest in a new motor vehicle dealer;

(c) is acting in a fiduciary capacity for a new motor vehicle dealer; or

(d) is an heir, devisee, personal representative, beneficiary, successor, or assign of a new motor vehicle dealer."

Section 27. Section 61-4-212, MCA, is amended to read:

"**61-4-212. Damage notice — *definition*.** (1) Except as provided in subsection (2), a franchisor is required:

(a) to disclose in writing to a new motor vehicle dealer damage to a new motor vehicle delivered to the new motor vehicle dealer if the damage is known to the franchisor and repaired, the damage occurred after the manufacturing process is complete but before delivery to the new motor vehicle dealer, and the damage exceeds 5% of the franchisor's suggested retail price as calculated at the rate of the new motor vehicle dealer's authorized warranty rate for labor and parts; and

(b) to disclose in writing to a purchaser of the new motor vehicle before entering into a sales contract that the new motor vehicle has been damaged and repaired if the damage to the new motor vehicle exceeds 5% of the franchisor's suggested retail price as calculated at the rate of the new motor vehicle dealer's authorized warranty rate for labor and parts.

(2) Disclosure is not required for any glass, tires, or bumper of a new motor vehicle if the damaged item has been replaced with original or comparable equipment.

(3) If disclosure is not required under subsection (2), a purchaser may not revoke or rescind a sales contract due solely to the fact that the new motor vehicle was damaged and repaired before completion of the sale.

(4) ~~For purposes of~~ *As used in* this section, "franchisor's suggested retail price" means the retail price of the new motor vehicle suggested by the

franchisor, including the retail delivered price suggested by the franchisor for each accessory or item of optional equipment physically attached to the new motor vehicle at the time of delivery to the new motor vehicle dealer that is not included within the retail price suggested by the franchisor for the new motor vehicle."

Section 28. Section 61-4-213, MCA, is amended to read:

"**61-4-213. Warranty reimbursement -- *definitions*.** (1) (a) If a motor vehicle franchisor requires or permits motor vehicle franchisees to perform labor or provide parts in satisfaction of a warranty issued by the franchisor:

(i) the motor vehicle franchisor shall reimburse the motor vehicle franchisee for the labor as rendered, using the franchisor's labor time guide or the labor time guide used by the dealer for labor furnished other than pursuant to warranty, at the dealer's election, and for parts and supplies, including but not limited to engine, transmission, and other parts assemblies, as furnished, in an amount equal to the prevailing retail rate charged by the franchisee for the labor or the prevailing retail markup charged by the franchisee for the parts and supplies in circumstances in which the labor is rendered or the parts and supplies are furnished other than pursuant to warranty;

(ii) the motor vehicle franchisor shall reimburse the motor vehicle franchisee pursuant to subsection (1)(a)(i) for labor performed on and parts supplied for a motor vehicle by the franchisee in good faith and in accordance with the manufacturer's warranty and written repair requirements and procedures, notwithstanding any requirement that the franchisor accept the return of the motor vehicle or make payment to a consumer with respect to the motor vehicle pursuant to the provisions of Title 61, chapter 4, part 5; and

(iii) the motor vehicle franchisee may establish its prevailing retail labor rate or parts markup by submitting to the motor vehicle franchisor whichever of the following produces the fewer number of repair orders, all of which must be for repairs made no more than 180 days before the submission:

(A) all consecutive repair orders that include 100 sequential repair orders reflecting qualified repairs; or

(B) all repair orders closed during any period of 90 consecutive days.

(b) The submission required under subsection (1)(a)(iii) may consist of:

(i) a single set of repair orders for calculating both the franchisee's prevailing retail labor rate and its parts markup;

(ii) separate sets of repair orders, one for calculating the franchisee's prevailing retail labor rate and the other for calculating its parts markup; or

(iii) a set of repair orders for calculating only the franchisee's prevailing retail labor rate or only its prevailing retail parts markup.

(2) The motor vehicle franchisee shall calculate its prevailing retail labor rate by determining the total charges for labor from the qualified repairs submitted and then dividing that amount by the total number of hours charged for the repairs.

(3) The motor vehicle franchisee shall calculate its prevailing retail parts markup by determining the total charges for parts from the qualified repairs submitted, dividing that amount by the franchisee's total cost of the purchase of those parts including shipping and other charges, subtracting 1, and multiplying by 100 to produce a percentage.

(4) The motor vehicle franchisee shall provide written notice to the motor vehicle franchisor of its prevailing retail labor rate or prevailing retail parts markup calculated in accordance with subsection (2) or (3) if the franchisee seeks to be compensated under subsection (1).

(5) Any discounts must be allocated as indicated on the face of a repair order between parts and labor. If no allocation is indicated, they must be

allocated pro rata. Manufacturer or distributor promotional reward program cash-equivalent pay methods may not be considered discounts.

(6) (a) The prevailing retail labor rate or the prevailing retail parts markup that is declared must go into effect 30 days following the motor vehicle franchisor's receipt of the notice referred to in subsection (2) unless within the 30-day period the franchisor contests the declaration by written notice of objection, received by the motor vehicle franchisee within the 30-day period, that the declared rate or markup is materially inaccurate.

(b) The objection must contain:

(i) a full explanation of any and all reasons that the declared rate is materially inaccurate;

(ii) evidence substantiating each stated reason;

(iii) a copy of all calculations used by the franchisor to demonstrate the material inaccuracy; and

(iv) a proposed adjusted retail labor rate or retail parts rate, as applicable.

(c) The motor vehicle franchisor may not submit more than one notice of objection to the motor vehicle franchisee with respect to any declared labor rate or retail parts markup, except in connection with litigation. After submitting the notice of objection, the franchisor may not add to, expand, supplement, or otherwise modify any element of the objection, including but not limited to its grounds for contesting the labor rate or parts markup, except in connection with litigation.

(d) A revision or supplement to a submission to correct or clarify the submission does not constitute a new submission for any purpose, including but not limited to that of subsection (9).

(7) In a judicial proceeding or a department proceeding involving an application or enforcement of the provisions of 61-4-203, 61-4-204, and 61-4-210(4):

(a) the issue must be limited to whether the labor rate or parts markup submitted by the motor vehicle franchisee was materially inaccurate;

(b) the motor vehicle franchisor has the burden of proof; and

(c) any resolution of the matter must be retroactive to the date 30 days following the franchisor's receipt of the franchisee's submission.

(8) A motor vehicle franchisor may not directly or indirectly:

(a) (i) require a motor vehicle franchisee to establish or alter its labor rate or parts markup by any means or methodology other than as prescribed in 61-4-204; or

(ii) except to object to or rebut a franchisee's declared retail labor rate or parts markup, itself initiate a process to establish or alter that labor rate or parts markup, including but not limited to:

(A) substituting any other purported qualified repair order sample for that submitted by a franchisee, including but not limited to the use, for purposes of establishing or reducing the franchisee's labor rate, of the franchisee's sample submitted for purposes of establishing or increasing its parts markup or the use, for purposes of establishing or reducing the franchisee's parts markup, of the franchisee's sample submitted for purposes of establishing or increasing its labor rate; or

(B) imposing an unduly burdensome or time-consuming method or requiring information that is unduly burdensome or time-consuming to provide, including but not limited to part-by-part or transaction-by-transaction calculations;

(b) recover or attempt to recover all or any portion of the franchisor's costs for compensating its dealers for warranty labor, parts, or supplies, either by reduction in the amount due or by separate charge or a surcharge to the

wholesale price paid by the dealer to the franchisor for any product, including motor vehicles and parts;

(c) establish or implement a special part number for parts used in warranty work if it results in lower compensation to the franchisee than as calculated in this section;

(d) require, influence, or attempt to influence a franchisee to implement or change the prices for which it sells parts or labor in retail repairs;

(e) take or threaten to take adverse action against a franchisee who seeks to obtain compensation pursuant to this section or dissuade or discourage the franchisee from doing so, including but not limited to:

(i) creating or implementing an obstacle or process that is inconsistent with the franchisor's obligations to the franchisee under this section;

(ii) acting or failing to act, other than in good faith;

(iii) hindering, delaying, or rejecting the proper and timely payment of compensation due under this section to a franchisee;

(iv) establishing, implementing, enforcing, or applying any policy, standard, rule, program, or incentive regarding compensation due under this section other than in a uniform and consistent manner among the franchisor's franchisees in this state; or

(v) conducting or threatening to conduct any warranty repair, nonwarranty repair, or other service-related audit; or

(f) implement or continue a policy, procedure, or program to any of its franchisees for compensation that is inconsistent with this section.

(9) A motor vehicle franchisee may not submit, to establish or increase rates paid pursuant to subsections (1)(a)(iii) and (1)(b):

(a) its warranty labor rate more than once in a 12-month period; and

(b) its warranty parts markup more than once in a 12-month period.

(10) A recreational motor vehicle franchisee's warranty compensation for parts means actual wholesale cost plus a minimum 30% handling charge and any freight costs incurred to return the removed parts to the recreational motor vehicle franchisor.

(11) If a motor vehicle franchisor supplies a part or parts to a motor vehicle franchisee at no cost or at a reduced cost for use in fulfilling a warranty, the franchisor must compensate the franchisee for the franchisee's cost of the part, if any, plus an amount equal to the franchisee's prevailing retail parts markup, multiplied by the fair wholesale value of the part. The fair wholesale value of the part is the greater of:

(a) the amount the franchisee paid for the part or a substantially identical part if already owned by the franchisee;

(b) the cost of the part shown in a current or prior established price schedule of the franchisor; or

(c) the cost of a substantially identical part shown in a current or prior established price schedule of the franchisor.

(12) (a) The motor vehicle franchisor shall reimburse the motor vehicle franchisee for parts supplied and labor rendered under a warranty within 30 days after approval of a claim for reimbursement.

(b) All claims for reimbursement must be approved or disapproved within 30 days after receipt of the claim by the motor vehicle franchisor. When a claim is disapproved, the motor vehicle franchisee must be notified in writing of the grounds for the disapproval. A claim that has been approved and paid may not be charged back to the franchisee unless it can be shown that the claim was false or fraudulent, that the labor was not properly performed, or that the parts or labor were unnecessary to correct the defective condition.

(c) A manufacturer may not deny a claim or reduce the amount to be reimbursed to the dealer if the dealer has provided reasonably sufficient documentation demonstrating that the dealer performed the services in compliance with the written policies and procedures of the manufacturer known to the dealer at the time of submission of the claim.

(d) A manufacturer may not deny a claim based solely on a dealer's incidental failure to comply with a specific claim processing requirement, such as a clerical error or other administrative technicality that does not put into question the legitimacy of the claim.

(e) A franchisor may not audit a claim after the expiration of 12 months following the payment of the claim.

(13) ~~For the purposes of~~ *As used in* this section, the following definitions apply:

(a) "Labor" means work or service performed, including that of a diagnostic character, with respect to repair of a motor vehicle.

(b) "Parts" means original or replacement parts, accessories, and components with respect to a motor vehicle, including engine, transmission, and other parts assemblies.

(c) (i) "Qualified repair" means a repair to a vehicle that:

(A) would have come within the motor vehicle franchisor's new vehicle warranty but for the vehicle having exceeded the time or mileage limit of the warranty;

(B) does not otherwise constitute warranty work; and

(C) does not constitute any of the work encompassed by subsection (13)(c)(ii).

(ii) The term does not include:

(A) routine maintenance, including but not limited to replacements of fluids, filters, batteries, bulbs, belts, nuts, bolts, or fasteners, unless provided in the course of and related to a repair;

(B) replacements of or work on tires, wheels, or elements related to either tires or wheels, including but not limited to vehicle alignments and tire or wheel rotations;

(C) repairs for which volume discounts have been negotiated with government agencies, insurers, extended warranty or service contract providers, or other third-party payors;

(D) repairs that are the subject of motor vehicle franchisor special events, promotions, or service campaigns or are otherwise subject to motor vehicle franchisor discounts;

(E) repairs of motor vehicles owned by the dealer or an employee of the dealer;

(F) installations of accessories;

(G) repairs of conditions caused by collision, road hazard, the force of the elements, vandalism, theft, or owner, operator, or third-party negligence or deliberate acts;

(H) safety or vehicle emission inspections required by law;

(I) vehicle reconditioning;

(J) parts sold at wholesale;

(K) repairs using aftermarket parts; or

(L) goodwill repairs or replacements approved and reimbursed by the motor vehicle franchisor.

(d) "Qualified repair order" means a repair order that encompasses, in whole or in part, a qualified repair or repairs.

(e) "Repair order" means an invoice paid by a retail customer and closed as of the time of submission, encompassing one or more repairs to or other work on a vehicle, and reflecting, in the case of a prevailing retail parts

markup submission, the cost of each part and its sale price and, in the case of a prevailing retail labor rate submission, the labor hours allocated to each job and the sale price of the labor. The invoice may be submitted in electronic form.

(f) "Warranty" means, in addition to a new motor vehicle warranty, predelivery preparation, a recall, or a certified preowned warranty, in each case issued or administered by a motor vehicle franchisor."

Section 29. Section 61-4-222, MCA, is amended to read:

"**61-4-222. Fees.** (1) Upon making the application required under 61-4-221, the manufacturer shall pay to the department a fee of $250, which entitles the manufacturer to one set of license plates, and an additional fee of $20 for each additional set of license plates. The manufacturer may receive one set of license plates for each manufacturer's representative.

(2) The fees provided for in subsection (1) do not apply to the manufacturer of a personal watercraft ~~as defined in 23-2-502~~, a snowmobile as defined in 23-2-601, or an off-highway vehicle as defined in 23-2-801."

Section 30. Section 61-4-402, MCA, is amended to read:

"**61-4-402. Definitions.** *As used in this part, the following definitions apply:*

(1) "Finance company" or "finance agency" means a person, firm, association, corporation, or other organization engaged in the business of buying, selling, assigning, dealing, financing, or acquiring conditional contracts of sale or engaged in the business of purchasing or acquiring promissory notes or any other form or evidences of indebtedness of sale, either secured by vendor's lien, conditional bill of sale, chattel mortgage, or leases arising out of the sale of motor vehicles in this state.

(2) ~~The term "manufacturer"~~ *"Manufacturer"* means a person, firm, corporation, partnership, or association engaged either directly or indirectly in the manufacture or wholesale distribution of motor vehicles.

(3) ~~The term "motor vehicle", as used in this part,~~*"Motor vehicle"* includes a personal watercraft ~~as defined in 23-2-502~~, a snowmobile as defined in 23-2-601, and an off-highway vehicle as defined in 23-2-801.

(4) ~~The terms "sell"~~ *"Sell"*, "sold", "buy", and "purchase"~~, as used in this part,~~ include exchange, barter, gift, and offer or contract to sell or buy.

(5) ~~The term "wholesale distributor"~~ *"Wholesale distributor"* means a person, firm, association, corporation, or other organization engaged directly or indirectly in the sale or distribution of motor vehicles to agents or to dealers."

Section 31. Section 61-4-501, MCA, is amended to read:

"**61-4-501. Definitions.** ~~For purposes of~~ *As used in* this part, the following definitions apply:

(1) "Collateral charge" means all governmental charges, including but not limited to sales tax, property tax, license and registration fees, and fees in lieu of tax.

(2) "Consumer" means the purchaser or lessee, other than for purposes of resale or lease, of a passenger motor vehicle used for personal, family, or household purposes that has not been brought into nonconformity as the result of abuse, neglect, or unauthorized modifications or alterations. The term includes any person to whom the passenger motor vehicle is transferred for the same purposes during the duration of an express warranty applicable to the passenger motor vehicle and any other person entitled by the terms of the warranty to enforce the obligations of the warranty.

(3) "Incidental damage" means incidental and consequential damage as defined in 30-2-715.

(4) "Manufacturer" has the meaning applied to that word in 61-4-201.

(5) (a) "Motor vehicle" means a vehicle, including the nonresidential portion of a motor home, propelled by its own power, designed primarily to transport persons or property upon the public highways, and sold or registered in this state.

(b) The term does not include:

(i) a truck with 15,000 pounds or more gross vehicle weight rating; or

(ii) components, systems, fixtures, appliances, furnishings, accessories, and features that are designed, used, and maintained primarily for residential purposes.

(6) "Reasonable allowance for use" is an amount directly attributable to use of the motor vehicle by the consumer and any previous consumers prior to the first written notice of the nonconformity to the manufacturer or its agent and during any subsequent period when the motor vehicle is not out of service because of nonconformity. The reasonable allowance for use must be computed by multiplying the total contract price of the motor vehicle by a fraction having as its denominator 100,000 and having as its numerator the number of miles that the motor vehicle traveled prior to the manufacturer's acceptance of its return.

(7) "Warranty period" means the period ending 2 years after the date of the original delivery to the consumer of a new motor vehicle or during the first 18,000 miles of operation, whichever is earlier."

Section 32. Section 61-5-104, MCA, is amended to read:

"**61-5-104. Exemptions -- *definition.*** (1) The following persons are exempt from licensure under this chapter:

(a) a person who is a member of the armed forces of the United States while operating a motor vehicle owned by or leased to the United States government and being operated on official business;

(b) a person who is a member of the armed forces of the United States on active duty in Montana who holds a valid license issued by another state and the spouse of the person who holds a valid license issued by another state;

(c) a person on active duty in the armed forces of the United States and in immediate possession of a valid license issued to that person in a foreign country by the armed forces of the United States, for a period of 45 days from the date of the person's return to the United States;

(d) a person who temporarily drives, operates, or moves a road machine, farm tractor, as defined in 61-9-102, or implement of husbandry for use in intrastate commerce on a highway;

(e) a person who is a locomotive engineer, assistant engineer, conductor, brake tender, railroad utility person, or other member of the crew of a railroad locomotive or train being operated upon rails, including operation on a railroad crossing a public street, road, or highway. A person employed as described in this subsection is not required to display a driver's license to a law enforcement officer in connection with the operation of a railroad train within Montana.

(f) a person who temporarily drives, operates, or moves an off-highway vehicle on a forest development road in this state, as defined in 61-8-110, that has been designated and approved for off-highway vehicle use by the United States forest service if the person:

(i) is under 16 years of age but at least 12 years of age; and

(ii) at the time of driving, operating, or moving the off-highway vehicle, has in the person's possession a certificate showing the successful completion of an off-highway vehicle safety education course approved by the department of fish, wildlife, and parks and is in the physical presence of a person who possesses a license issued under this chapter.

(2) A nonresident who is at least 15 years of age and who is in immediate possession of a valid operator's license issued to the nonresident by the nonresident's home state or country may operate a motor vehicle, except a commercial motor vehicle, in this state.

(3) (a) A nonresident who is in immediate possession of a valid commercial driver's license issued to the nonresident by the nonresident's home jurisdiction, in accordance with the licensing and testing standards of 49 CFR, part 383, may operate a commercial motor vehicle in this state.

(b) ~~For the purpose of~~ *As used in* this chapter, "jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, a province or territory of Canada, or the federal district of Mexico.

(4) A nonresident who is at least 18 years of age, whose home state or country does not require the licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than 90 days in any calendar year, if the motor vehicle is registered in the home state or country of the nonresident.

(5) (a) A driver's license issued under this chapter to a person who enters the United States armed forces, if valid and in effect at the time that the person enters the service, continues in effect so long as the service continues, unless the license is suspended, revoked, or cancelled for a cause as provided by law, and for up to 90 days following the date on which the licensee is honorably separated from the service.

(b) A person serving in the United States armed forces may renew the person's driver's license at any point of the person's service, and any renewed license continues in effect as long as the service continues, unless the license is suspended, revoked, or cancelled for a cause as provided by law.

(c) A person serving in the United States armed forces may apply for a Montana driver's license upon meeting the requirements in 61-5-103, and this license continues in effect as long as the service continues, unless the license is suspended, revoked, or cancelled for a cause as provided by law, and for up to 90 days following the date on which the licensee is honorably separated from the service."

Section 33. Section 61-5-112, MCA, is amended to read:

"**61-5-112. Reciprocal agreements.** The department is authorized to enter into reciprocal agreements with adjacent states that would allow certain drivers of vehicles transporting farm products, farm machinery, or farm supplies within 150 miles of a farm to operate without a commercial driver's license ~~because the vehicles are not considered commercial motor vehicles as provided in 61-1-101(10)(b)(ii)~~."

Section 34. Section 61-5-119, MCA, is amended to read:

"**61-5-119. ~~Definitions~~ *Cancellation defined.*** ~~(1) For the purposes of 61-5-120, "driver rehabilitation specialist" means a person who:~~

~~(a) possesses current certification from the association of driver educators for the disabled as a driver rehabilitation specialist; or~~

~~(b) (i) provides comprehensive services in the clinical evaluation of the abilities of a person with a disability to safely operate a motor vehicle, utilizing, among other things, wheelchair and seating assessment, motor vehicle modification prescription, and driver education;~~

~~(ii) (A) possesses a bachelor's degree in rehabilitation, education, or health and safety, in physical, occupational, or recreational therapy, or in a related profession; or~~

~~(B) has an equivalent of 8 years of experience in driver rehabilitation and education; and~~

~~(iii) has at least 1 year of experience in the area of driver evaluation and training for individuals with disabilities.~~

~~(2) For the purposes of~~ *As used in* this chapter, unless the context requires otherwise, "cancellation" means that a driver's license is annulled and terminated because of some error or defect or because the licensee is no longer entitled to the license. Except as provided in 61-5-201(3), the cancellation of a license is without prejudice and application for a new license may be made at any time after cancellation."

Section 35. Section 61-5-120, MCA, is amended to read:

"**61-5-120. Medical assessment and rehabilitation driving permit -- *definition*.** (1) Upon the written request of a licensed physician, licensed physician assistant, or advanced practice registered nurse, as defined in 37-8-102, on a form prescribed by the department, the department may authorize a driver rehabilitation specialist to issue a temporary medical assessment and rehabilitation driving permit to a person who is not licensed to drive or whose license has expired under the provisions of this chapter for the purpose of driver assessment, rehabilitation, and training.

(2) The temporary permit may be issued only to a person who is 16 years of age or older.

(3) The permit is valid for up to 6 weeks, beginning with the date of the first evaluation of the permitholder by the driver rehabilitation specialist. The driver rehabilitation specialist shall sign and date the permit at the time of the first evaluation.

(4) The permit is valid only when the permitholder is operating a motor vehicle under the immediate supervision of the driver rehabilitation specialist during the permitholder's participation in an actual in-vehicle evaluation process.

(5) The department may extend the duration of a medical assessment and rehabilitation permit for an additional 6-week period if the driver rehabilitation specialist, licensed physician, licensed physician assistant, or advanced practice registered nurse certifies that the permitholder needs additional time to complete the driver assessment, rehabilitation, and training process.

(6) As used in this section, "driver rehabilitation specialist" means a person who:

(a) possesses current certification from the association of driver educators for the disabled as a driver rehabilitation specialist; or

(b) (i) provides comprehensive services in the clinical evaluation of the abilities of a person with a disability to safely operate a motor vehicle, utilizing, among other things, wheelchair and seating assessment, motor vehicle modification prescription, and driver education;

(ii) (A) possesses a bachelor's degree in rehabilitation, education, or health and safety, in physical, occupational, or recreational therapy, or in a related profession; or

(B) has an equivalent of 8 years of experience in driver rehabilitation and education; and

(iii) has at least 1 year of experience in the area of driver evaluation and training for individuals with disabilities."

Section 36. Section 61-5-232, MCA, is amended to read:

"**61-5-232. Restricted-use driving permit -- conditions -- definitions.** (1) A person who, pursuant to 61-5-105(2), may not be issued a driver's license due to an ineligible status reported by another state to the national driver register may petition the district court of the county in which the person resides for a restricted-use driving permit for use only within the state of Montana if:

(a) the person has maintained continuous residence in Montana for at least 5 years and is not otherwise ineligible for a license under 61-5-105;

(b) the person submits a certified driving record from the licensing agency of each state that has reported the person's status as ineligible to the national driver register that shows that at least 5 years have elapsed from the effective date of the most recent withdrawal of the person's driver's license or driving privileges by the other state or states;

(c) for the 5-year period immediately preceding application for a restricted-use driving permit, the person has not been convicted in any jurisdiction of a felony or misdemeanor offense;

(d) the person certifies that no traffic citations or alcohol-related or drug-related criminal charges are currently pending against the person;

(e) the person certifies that a good faith effort was made to resolve the person's ineligible status through the licensing agency of each state or states that reported the person's status as ineligible to the national driver register, including the payment of any pending fees or fines; and

(f) the person provides any other information required by department rule.

(2) The department may issue a restricted-use driving permit only to a person who satisfies all of the requirements of this section as determined by a district court pursuant to subsection (1). A person who is issued a restricted-use driving permit may use it only for an essential driving purpose as defined by the department.

(3) ~~For purposes of~~ *As used in* this section, the following definitions apply:

(a) "Most recent withdrawal" means the suspension, revocation, or denial of a driver's license or driving privilege underlying a current ineligible status report made by another state's licensing agency to the national driver register.

(b) "National driver register" means the registry established under 49 U.S.C. 30302.

(c) "Restricted-use driving permit" means a paper document authorizing a person to drive within this state for essential driving purposes only and that is issued by the department to a person whose status on the national driver register is reported as ineligible to operate a motor vehicle other than a commercial motor vehicle."

Section 37. Section 61-6-102, MCA, is amended to read:

"**61-6-102. Definitions.** As used in this part, unless the context clearly indicates a different meaning, the following definitions apply:

(1) "Commercial automobile insurance coverage" means any coverage provided to an insured, regardless of number of vehicles or entities covered, under a commercial, garage, or truckers coverage form and rated from a commercial manual or rating rule. Vehicle type and ownership are not the primary factors in underwriting the coverage or rating the coverage. The rating may be subject to individual risk characteristics, including but not limited to experience rating, schedule rating, loss rating, or deductible rating.

(2) "Insurer" means an authorized insurer, as defined in 33-1-201, who issues or renews a motor vehicle liability policy.

(3) "Judgment" means any judgment that has become final by expiration without appeal of the time within which an appeal might have been perfected or by final affirmation on appeal rendered by a court of competent jurisdiction of any state or of the United States upon a cause of action arising out of the ownership, maintenance, or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person or for damages because of injury to or destruction of property, including the loss of use of property, or upon a cause of action on an agreement of settlement for damages.

(4) "License" means a driver's license as defined in 61-1-101.

(5) "Low-volume insurer" means an insurer that provides motor vehicle liability policies for fewer than 500 vehicles in this state.

(6) (a) "Motor vehicle liability policy" means a policy of insurance issued or renewed by an insurer to a person who owns or operates a motor vehicle that meets or exceeds the minimum coverage limits under 61-6-103, including a policy certified as provided in 61-6-133 as proof of financial responsibility.

(b) A certificate filed for a nonresident as proof of financial responsibility under 61-6-134 must be treated as a motor vehicle liability policy under this part.

(7) "Nonresident's operating privilege" means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by the nonresident of a motor vehicle or the use of a motor vehicle owned by the nonresident in this state.

(8) "Person" means every natural person, firm, partnership, association, or corporation.

(9) "Proof of financial responsibility" means proof of ability to respond in damages for liability on account of accidents occurring subsequent to the effective date of the proof of financial responsibility, arising out of the ownership, maintenance, or use of a motor vehicle.

(10) "State" means any state, territory, or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.

(11) "Suspension" means the withdrawal, by action of the department, of a motor vehicle's registration~~, as defined in 61-1-101,~~ for a period of time prescribed by department rule.

(12) "System" means the online motor vehicle liability insurance verification system created in 61-6-157."

Section 38. Section 61-6-302, MCA, is amended to read:

"**61-6-302. Proof of compliance -- *definition*.** (1) The registration receipt required by 61-3-322 must contain a statement that unless the vehicle is eligible for an exemption under 61-6-303, it is unlawful to operate the vehicle without a valid motor vehicle liability insurance policy, or a certificate of self-insurance, as required by 61-6-301.

(2) (a) Each owner or operator of a motor vehicle shall carry in the motor vehicle as proof of compliance with 61-6-301 either:

(i) an insurance card approved by the department but issued by the insurance carrier to the motor vehicle owner; or

(ii) an electronic device on which an electronic document issued by the insurance carrier showing proof of compliance with 61-6-301 may be displayed.

(b) If the insurance card or electronic document is issued under a commercial automobile insurance policy or a self-insured fleet, the insurance card or electronic document must indicate the status as "commercially insured" or "fleet".

(c) A motor vehicle owner or operator shall exhibit the insurance card or display the electronic document on demand of a justice of the peace, a city or municipal judge, a peace officer, a highway patrol officer, or a field deputy or inspector of the department.

(d) A person commits an offense under this subsection if the person fails to carry in the motor vehicle the insurance card or an electronic device on which the electronic document may be displayed or fails to exhibit the insurance card or display the electronic document on demand of a person specified in subsection (2)(c).

(e) ~~For the purposes of~~ *As used in* this subsection (2), "insurance card" includes an electronic representation or equivalent of a documentary insurance

card that the insurer delivers by electronic means, as defined in 33-15-601, to satisfy the requirements of this subsection (2).

(3) In lieu of charging an operator who is not the owner of a vehicle with violating subsection (2), the officer may issue a complaint and notice to appear charging the owner with a violation of 61-6-301 and serve the complaint and notice to appear on the owner of the vehicle:

(a) personally; or

(b) by certified mail, return receipt requested, at the address for the owner listed on the registration receipt for the vehicle or, following query through available law enforcement systems, at the address maintained for the vehicle's owner by the jurisdiction in which the vehicle is titled and registered, or both.

(4) An owner or operator charged with violating subsection (2) may not be convicted if:

(a) the arresting or issuing officer or another person authorized to access information from the online motor vehicle liability insurance verification system under 61-6-309 submits to the system, when implemented, a request that provides proof of insurance valid at the time the alleged violation took place; or

(b) when the system under 61-6-157 is not available, the person produces in court or the office of the arresting or issuing officer proof of insurance valid at the time the alleged violation took place."

Section 39. Section 61-8-105, MCA, is amended to read:

"**61-8-105. Obedience to peace officers, flag persons, crossing guards, and public safety workers -- *definitions.*** A person may not willfully fail or refuse to comply with a lawful order or direction of a peace officer, flag person, crossing guard, or public safety worker pertaining to the use of the highways by traffic. ~~For purposes of~~ *As used in* this section:

(1) "peace officer" has the *same* meaning *as* provided in 7-32-303; and

(2) "public safety worker" means a person who is authorized to provide assistance at the scene of an incident that requires traffic control and who is either a member of a paid or volunteer fire department, an emergency medical service provider, a member of a search and rescue team, or a civilian accident investigator appointed by a law enforcement agency."

Section 40. Section 61-8-110, MCA, is amended to read:

"**61-8-110. Forest development road, special service road defined.** ~~For the purpose of~~ *As used in* 61-8-111 and 61-8-112 ~~a~~*:*

(1) "forest development road" ~~is defined as~~ *means* a road located on national forest lands or on a right-of-way acquired by the United States and used for the protection, administration, and utilization of the national forests and other lands administered by the United States forest service; and ~~a~~

(2) "special service road" ~~is defined as~~ *means* a forest development road or segment ~~thereof~~ *of a forest development road*, the right-of-way for which is controlled by the United States and which is not a part of the highway system of the state or of a county or other public road authority of this state, designated by the forest service, pursuant to the regulations of the secretary of the United States department of agriculture, as a special service road for the purpose of controlling and regulating its use to accomplish the purposes of the secretary of agriculture's regulations applicable to the administration of the forest development transport system."

Section 41. Section 61-8-303, MCA, is amended to read:

"**61-8-303. Speed restrictions -- *definitions.*** (1) Except as provided in 61-8-309, 61-8-310, and 61-8-312, the speed limit for vehicles traveling:

(a) on an interstate highway outside an urbanized area of 50,000 population or more is 80 miles an hour at all times and the speed limit for vehicles traveling

on interstate highways within an urbanized area of 50,000 population or more is 65 miles an hour at all times;

(b) on any other public highway of this state is 70 miles an hour during the daytime and 65 miles an hour during the nighttime;

(c) in an urban district is 25 miles an hour.

(2) A vehicle subject to the speed limits imposed in subsection (1) may exceed the speed limits imposed in subsection (1) by 10 miles an hour in order to overtake and pass a vehicle and return safely to the right-hand lane under the following circumstances:

(a) while traveling on a two-lane road; and

(b) in a designated passing zone.

(3) Subject to the maximum speed limits set forth in subsection (1), a person shall operate a vehicle in a careful and prudent manner and at a reduced rate of speed no greater than is reasonable and prudent under the conditions existing at the point of operation, taking into account the amount and character of traffic, visibility, weather, and roadway conditions.

(4) Except when a special hazard exists that requires lower speed for compliance with subsection (3), the limits specified in this section are the maximum lawful speeds allowed.

(5) ~~"Daytime"~~ *As used in this section, "daytime"* means from one-half hour before sunrise to one-half hour after sunset. "Nighttime" means at any other hour.

(6) The speed limits set forth in this section may be altered by the transportation commission or a local authority as authorized in 61-8-309, 61-8-310, 61-8-313, and 61-8-314.

(7) A person who violates this section is subject to the penalties provided in 61-8-725."

Section 42. Section 61-8-376, MCA, is amended to read:

"**61-8-376. Authorized operation of electric personal assistive mobility devices.** Electric personal assistive mobility devices~~, as defined in 61-1-101,~~ are permitted to operate on sidewalks, unless they are prohibited by official traffic control devices, on bike paths, and on roads and streets that have a speed limit of 35 miles an hour or less."

Section 43. Section 61-8-803, MCA, is amended to read:

"**61-8-803. Suspension of commercial driver's license -- serious traffic violations -- *definition*.** (1) If the department receives notice from a court or another licensing jurisdiction that a person holding or required to hold a commercial driver's license has been convicted of more than one serious traffic violation in separate incidents within a 3-year period, the department shall suspend the person's commercial driver's license:

(a) for 60 days upon receipt of notice of the second conviction; or

(b) for 120 days upon receipt of notice of the third or subsequent conviction.

(2) ~~For purposes of~~ *As used in* this section, "serious traffic violation" means conviction, when operating a commercial motor vehicle, of:

(a) speeding 15 or more miles an hour above a posted speed limit;

(b) reckless driving, reckless endangerment of a highway worker, or reckless endangerment of emergency personnel;

(c) improper or erratic traffic lane changes;

(d) following too closely;

(e) a violation of a state law or local ordinance relating to the operation of a motor vehicle, excluding a parking, weight, or equipment violation, that arises in connection with a fatal accident;

(f) operating a commercial motor vehicle without a commercial driver's license;

(g) operating a commercial motor vehicle without a commercial driver's license in one's possession or refusing to display a commercial driver's license upon request;

(h) operating a commercial motor vehicle without the proper class of commercial driver's license or endorsements, or both, for the specific vehicle type or types being operated or for the passengers or type or types of cargo being transported; or

(i) using a mobile device to send text messages while operating a commercial motor vehicle in violation of a state or local law or ordinance on motor vehicle traffic control.

(3) A person is considered to have committed a second or subsequent serious traffic violation if less than 3 years have passed between the date of an offense that resulted in a prior conviction and the date of the offense that resulted in the most recent conviction."

Section 44. Section 61-8-1001, MCA, is amended to read:

"**61-8-1001. Definitions.** As used in this part, unless the context requires otherwise and unless a different meaning plainly is required, the following definitions apply:

(1) "Aggravated driving under the influence" means a person is in violation of 61-8-1002(1)(a), (1)(b), (1)(c), or (1)(d) and:

(a) the person's alcohol concentration, as shown by analysis of the person's blood, breath, or other bodily substance, is 0.16 or more;

(b) the person is under the order of a court or the department to equip any motor vehicle the person operates with an approved ignition interlock device;

(c) the person's driver's license or privilege to drive is suspended, cancelled, or revoked as a result of a prior violation of driving under the influence, including a violation of 61-8-1002(1)(a), (1)(b), (1)(c), or (1)(d), an offense that meets the definition of aggravated driving under the influence, or a similar offense under previous laws of this state or the laws of another state; or

(d) the person refuses to give a breath sample as required in 61-8-1016 and the person's driver's license or privilege to drive was suspended, cancelled, or revoked under the provisions of an implied consent statute.

(2) "Alcoholic beverage" means a compound produced for human consumption as a drink that contains 0.5% or more of alcohol by volume.

(3) "Alcohol concentration" means either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath, including as used in 16-6-305, 23-2-535, 45-5-207, 67-1-211, and this title.

(4) "Bus" means a motor vehicle with a manufacturer's rated seating capacity of 11 or more passengers, including the driver.

(5) "Camper" has the meaning provided in 61-1-101.

(6) "Commercial motor vehicle" has the meaning provided in 61-1-101.

(7) "Drug" means any substance that when taken into the human body can impair a person's ability to operate a vehicle safely. The term includes the meanings provided in 50-32-101(6), (7), and (14).

(8) "DUI court" means any court that has established a special docket for handling cases involving persons convicted under 61-8-1007 or 61-8-1008 and that implements a program of incentives and sanctions intended to assist a participant to complete treatment ordered pursuant to 61-8-1009 and to end the participant's criminal behavior associated with the use of alcohol or drugs.

(9) "Highway" has the meaning provided in 61-1-101, including the shoulders of the highway.

(10) "Motor home" has the meaning provided in 61-1-101.

(11) "Motor vehicle" has the meaning provided in 61-1-101.

(12) "Open alcoholic beverage container" means a bottle, can, jar, or other receptacle that contains any amount of an alcoholic beverage and that is open or has a broken seal or the contents of which are partially removed.

(13) "Passenger area" means the area designed to seat the driver and passengers while a motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while the driver or a passenger is seated in the vehicle, including an unlocked glove compartment.

(14) "Under the influence" ~~means that as a result of taking into the body alcohol, drugs, or any combination of alcohol and drugs, a person's ability to safely operate a vehicle has been diminished~~ *has the meaning provided in 61-1-101*.

(15) "Vehicle" has the meaning provided in 61-1-101, except that the term does not include a bicycle."

Section 45. Section 61-9-105, MCA, is amended to read:

"**61-9-105. Obedience to peace officers, highway patrol officers, and public safety workers -- *definition.*** *(1)* A person may not willfully fail or refuse to comply with a lawful order or direction of a peace officer, highway patrol officer, or public safety worker pertaining to the use of the highways by traffic.

(2) ~~For purposes of~~ *As used in* this section, "public safety worker" means a person who is authorized to provide assistance at the scene of an incident that requires traffic control and who is either a member of a paid or volunteer fire department, an emergency medical service provider, a member of a search and rescue team, or a civilian accident investigator appointed by a law enforcement agency."

Section 46. Section 61-9-204, MCA, is amended to read:

"**61-9-204. Taillamps -- *definition.*** (1) A motor vehicle, trailer, semitrailer, and pole trailer and any other vehicle that is being drawn at the end of a combination of vehicles must be equipped with at least one properly functioning taillamp mounted on the rear that emits a red light plainly visible from a distance of 500 feet to the rear, except that in the case of a combination of vehicles, only the taillamp on the rearmost vehicle need actually be seen from the distance specified. The vehicles mentioned in this subsection, other than a motorcycle, quadricycle, motor-driven cycle, or truck tractor, registered in this state and manufactured or assembled after January 1, 1956, must be equipped with at least two properly functioning taillamps, with at least one mounted on each side of the rear of the vehicle, that emit a red light plainly visible from a distance of 1,000 feet to the rear of the vehicle.

(2) A taillamp upon a vehicle must be located at a height of not more than 72 inches or less than 15 inches.

(3) Either a taillamp or a separate lamp must illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. A taillamp or taillamps, together with a separate lamp for illuminating the rear registration plate, must be lighted whenever the headlamps are lighted.

(4) Taillamps are not required on a motorcycle that is registered under 61-3-411 as a collector's item, but the motorcycle may not be operated on a highway or street from one-half hour after sunset to one-half hour before sunrise or when persons and vehicles are not clearly discernible at a distance of 500 feet unless it is equipped with the required taillamps.

(5) A person may not operate a motor vehicle on a highway with taillamps that are covered by a lens or a plastic cover or with a tinted or colored material, substance, system, or component placed on or in front of rear lamps, taillamps,

license plate lamps, or rear lamp combinations that obscures the taillamps or diminishes the distance of visibility required by this section.

(6) ~~(a)~~ A custom vehicle or street rod may use a blue dot taillight~~, as defined in subsection (6)(b),~~ as a stop lamp, a rear signal lamp, or a rear reflector. *As used in this subsection, "blue dot taillight"*

~~(b) "Blue dot taillight"~~ means a red lamp installed in the rear of a motor vehicle containing a blue or purple insert that is not more than 1 inch in diameter."

Section 47. Section 61-9-406, MCA, is amended to read:

"**61-9-406. Restrictions as to tire equipment -- particular tires, chains, or traction devices -- definitions.** (1) A solid rubber tire on a vehicle must have rubber on its entire traction surface at least 1 inch thick above the edge of the flange of the entire periphery.

(2) A person may not operate or move on a highway a motor vehicle, trailer, or semitrailer having a metal tire in contact with the roadway.

(3) A tire on a vehicle moved on a highway may not have on its periphery a block, stud, flange, cleat, spike, or other protuberance of a material other than rubber that projects beyond the tread of the traction surface of the tire, except that it is permissible to use farm machinery with tires having protuberances that will not injure the highway. It is also permissible to use tire chains of reasonable proportions or pneumatic tires, the traction surfaces of which have been embedded with material, such as wood, wire, plastic or metal, that may not protrude more than one-sixteenth of an inch beyond the tire tread or that are clearly marked by the manufacturer on the sidewall "all season m&s" (or "all season mud and snow"), upon a vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid. Except as provided in subsection (4), the use of pneumatic tires embedded as provided in this section is permitted only between October 1 and May 31 of each year, except that one of those tires may be used for a spare in case of tire failure. School buses equipped with such embedded pneumatic tires may operate from August 15 through the following June 15.

(4) Pneumatic tires that feature an embedded block, stud, flange, cleat, spike, or other protuberance that is retractable may be used at any time of the year. However, the protuberance may not be engaged or extended other than between October 1 and May 31 of each year on roads that do not contain ice or snow.

(5) The department of transportation and local authorities, as defined in 61-8-102, in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of farm tractors or other farm machinery or of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks, the operation of which upon the highway would otherwise be prohibited under this section.

(6) The department of transportation may determine at any time that dangerous or unsafe conditions on a highway require particular tires, tire chains, or traction devices for vehicles in addition to or beyond the ordinary pneumatic rubber tires.

(7) The department of transportation shall place and maintain signs and other traffic control devices on a highway designated under subsection (6) that indicate the tire, tire chain, or traction device requirement determined for vehicles. The signs or traffic control devices may not prohibit the use of pneumatic tires embedded as provided in subsection (3) between October 1 and May 31 of each year, but when the department of transportation determines that chains are required and that no other traction devices will suffice, the

requirement is applicable to tires on driver wheels of one axle, as defined in 61-10-104, of a vehicle, including embedded tires. The signs or traffic control devices may differentiate in requirements for four-wheel-drive vehicles in gear.

(8) A violation of subsection (6) or (7) is subject to the penalties provided in 61-9-520.

~~(8)~~*(9)* As used in this section:

(a) "metal tire" means a tire the surface of which in contact with the highway is wholly or partly metal or other hard, nonresilient material; and

(b) "pneumatic tire" means a tire in which compressed air or nitrogen is designed to support the load."

Section 48. Section 61-9-407, MCA, is amended to read:

"**61-9-407. Fenders, splash aprons, or flaps required on certain vehicles -- dimension and location.** (1) A person may not move, or permit to be moved, a vehicle, except a motorcycle, quadricycle, motor-driven cycle, or farm tractor, as defined in this title, upon the public highways without having first equipped the rearmost wheels or set of wheels of the vehicle with fenders, splash aprons, or flaps. The fenders, splash aprons, or flaps must be designed, constructed, and attached to the vehicle in a manner that arrests and deflects dirt, mud, water, rocks, and other substances that may be picked up by the rear wheels of the vehicle and thrown into the air, as follows:

(a) If the vehicle is equipped with fenders, the fenders must extend in full width from a point above and forward of the center of the tire or tires over and to the rear of the tires.

(b) If the vehicle is equipped with splash aprons or flaps, the splash aprons or flaps must extend downward in full width from a point not lower than halfway between the center of the tire or tires and the top of the tire or tires and to the rear of the tires.

(c) If the vehicle is in excess of 8,000 pounds gross vehicle weight or rating, the fenders, splash aprons, or flaps must extend downward to a point that is not more than 10 inches above the surface of the highway when the vehicle is empty.

(d) If the vehicle is 8,000 pounds or less gross vehicle weight or rating, the fenders, splash aprons, or flaps must extend downward to a point that is not more than 20 inches above the surface of the highway when the vehicle is empty.

(2) Fenders, splash aprons, or flaps, as used in subsection (1), must be constructed as follows:

(a) when measured on the cross-sections of the tread of the wheel or on the combined cross-sections of the treads of multiple wheels, the fender, splash apron, or flap extends at least to each side of the width of the tire or of the combined width of the multiple tires; and

(b) the fender, splash apron, or flap is capable at all times of arresting and deflecting dirt, mud, water, or other substance that may be picked up and carried by the wheel or wheels.

(3) This section does not apply to a street rod ~~as defined in 61-1-101~~, motor vehicles not originally equipped with fenders, splash aprons, or flaps, or motor vehicles for which fenders, splash aprons, or flaps were not required by federal law or regulation at the time of manufacture.

(4) A person convicted of violating this section is subject to the penalties provided in 61-9-515."

Section 49. Section 61-9-409, MCA, is amended to read:

"**61-9-409. Seatbelts required in vehicles manufactured after 1964.** (1) An automobile that was manufactured or assembled after January 1, 1965,

and on or before January 1, 1968, must be equipped with safety belts installed for use in the left front and right front seats.

(2) A motor vehicle manufactured after January 1, 1968, must be equipped at each designated seating position with a safety belt system required for that seating position by the standards of the United States department of transportation at the time that the vehicle was manufactured.

(3) The safety belts required by this section must remain installed and in good working condition.

(4) A person convicted of violating this section is subject to the penalties provided in 61-9-516."

Section 50. Section 61-9-414, MCA, is amended to read:

"**61-9-414. Logging trucks -- *definitions.*** (1) A truck or truck trailer combination, except pole trailers, actively engaged in transporting logs must be equipped with chains, cables, steel straps, or fiber webbing with working load limits that meet or exceed the manufacturer's marked value. The number of tie-down assemblies must be determined by the working load limits and the total weight of the load. The working load limits must equal or exceed 1 1/2 times the total weight of the load.

(2) A pole trailer actively engaged in transporting logs upon the highways of the state must be equipped as follows:

(a) At least three wrappers are required as standard equipment. The wrappers must:

(i) have a minimum working load limit of at least 3,000 pounds; and

(ii) be long enough to encompass any load when secured by a binder.

(b) (i) Wrappers used to secure loads of logs together must be fastened by means of a binder.

(ii) The complete wrapper and binder assembly must have a working load limit of at least 3,000 pounds.

(iii) The handle, or leverage portion of the binder, when in use in tightening and holding the wrapper, must be securely fastened to the wrapper or to the binder so that it cannot be accidentally loosened.

(c) At least two wrappers must be in use on all loads. The wrappers must be placed as close as reasonably possible to the front and rear bunks.

(d) If short logs are loaded on top of longer logs, sufficient wrappers must be used to secure both ends of the short logs to the main body of the load. A log may not extend laterally beyond the stakes that form the outer boundary of the load at the top of the stakes. Logs or poles loaded above the tops of the stakes must be loaded in a pyramidal fashion.

(3) ~~For the purposes of~~ *As used in* this section:

(a) "binder" means a device attached to a wrapper that provides tension on and secures a wrapper; and

(b) "wrapper" means an indirect tie-down device, the tension of which is intended to secure a stack of logs."

Section 51. Section 61-9-416, MCA, is amended to read:

"**61-9-416. Commercial tow truck definition -- requirements.** (1) "Commercial tow truck" means a motor vehicle operating for compensation that is equipped with specialized equipment designed and intended for towing or the recovery of wrecked, disabled, or abandoned vehicles or other objects creating a hazard on the public roadways. If a tow truck owner or operator's business profits or benefits in any way from towing a vehicle, the tow truck must be considered a commercial tow truck for the purposes of Title 61, chapter 8, and this chapter.

(2) A commercial tow truck must be equipped with:

(a) not less than two red flares, two red lanterns, or two warning lights or reflectors. The reflectors must be of a type approved by the department.

(b) at least two highway warning signs as provided in 61-9-431.

(c) a dry chemical fire extinguisher of at least 5 pound capacity or an equivalent alternative type of fire extinguisher, approved by the department;

(d) a lamp emitting a flashing red or amber light meeting the requirements of 61-9-402(7), or both a red and amber light, mounted on top of the cab of the tow truck or on the top of the crane or hoist if the light can be seen from the front of the tow truck. The light from the lamp must be visible for a distance of 1,000 feet under normal atmospheric conditions and must be mounted so that it can be securely fastened with the lens of the lamp facing the rear of the tow truck upon which it is mounted. When standing at the location from which the disabled vehicle is to be towed, the operator of the tow truck may unfasten the red light and place it in a position considered advisable to warn approaching drivers. When the disabled vehicle is ready for towing, the red light must be turned to the rear of the tow truck upon which it is mounted and securely locked in this position. Additional red or amber lights of an approved type may be displayed at either side or both sides of the tow truck during the period of preparation at the location from which the disabled vehicle is to be towed.

(e) one or more brooms, and the operator of the tow truck engaged to remove a disabled vehicle from the scene of an accident shall remove all glass and debris deposited upon the roadway by the disabled vehicle that is to be towed;

(f) a shovel, and whenever practical, the tow truck operator engaged to remove a disabled vehicle shall spread dirt upon that portion of the roadway where oil or grease has been deposited by the disabled vehicle; and

(g) a portable electrical extension cord or other device for use in displaying stop, turn, and taillamps on the rear of the disabled vehicle. The length of the extension cord may not be less than the length of the combined vehicles. When a disabled vehicle is towed, the tow truck operator shall provide for the rear light that is capable of displaying a stop signal, turn signal, and taillamps by means of the extension cord or other device referred to in this subsection *(2)(g)*.

(3) The operator of a commercial tow truck used for the purpose of rendering assistance to other vehicles shall, when the rendering of assistance necessitates the obstruction of a portion of the roadway, place a highway warning sign as required in 61-9-431.

(4) The owner or operator of a commercial tow truck who complies with the requirements of 61-8-906 and 61-8-907 and this section may stop or park the tow truck upon a highway for the purpose of rendering assistance to a disabled vehicle, notwithstanding other provisions of this code.

(5) A commercial tow truck company that is in compliance with 61-9-431 and that is operating an emergency service vehicle and using signal equipment in rendering assistance at a highway crash scene or in response to any other hazard on the roadway that presents an immediate hazard or an emergency or life-threatening situation is not liable, except for willful misconduct, bad faith, or gross negligence, for injuries, costs, damages, expenses, or other liabilities resulting from a motorist operating a vehicle in violation of 61-9-402(5).

(6) A person convicted of violating this section is subject to the penalties provided in 61-9-517."

Section 52. Section 61-9-417, MCA, is amended to read:

"**61-9-417. Headgear required for minor motorcycle riders.** (1) (a) Except as provided in subsection (1)(b), an operator and passenger under 18 years of age of a motorcycle or quadricycle operated on the streets or highways

of this state shall wear protective headgear on the head. The headgear must meet standards established by the department of justice.

(b) This section does not apply to an operator and passenger of an autocycle ~~as defined in 61-1-101~~ that is completely enclosed with a windshield, nonremovable doors, and a roof.

(2) A person may not operate a motorcycle upon a highway in the state unless all passengers under 18 years of age are in compliance with subsection (1).

(3) A person convicted of violating this section is subject to the penalty provided in 61-9-518."

Section 53. Section 61-9-430, MCA, is amended to read:

"**61-9-430. Bumpers.** (1) A motor vehicle of less than 10,000 pounds gross vehicle weight or rating registered in Montana, except a motorcycle, a quadricycle, a motor-driven cycle, or a farm tractor, must be equipped with a front bumper and, unless the vehicle is equipped with work-performing features that make installation impractical or unnecessary, with a rear bumper.

(2) This section does not apply to a street rod~~, as defined in 61-1-101~~, vehicles not originally equipped with front or rear bumpers, or vehicles for which bumpers were not required by federal law or regulation at the time of manufacture."

Section 54. Section 61-9-432, MCA, is amended to read:

"**61-9-432. Low-speed and medium-speed electric vehicles -- required equipment.** (1) Low-speed electric vehicles and medium-speed electric vehicles~~, as defined in 61-1-101,~~ must be equipped with:

(a) headlamps, front and rear turn signal lamps, taillamps, and stop lamps;

(b) three red reflectors, two of which must be placed on each side as far to the rear of the vehicle as practicable, and one of which must be placed on the rear of the vehicle;

(c) an exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror;

(d) a parking brake;

(e) a windshield that conforms to the federal motor vehicle safety standard provided in 49 CFR 571.205; and

(f) a seatbelt assembly that conforms to the federal motor vehicle safety standard provided in 49 CFR 571.209.

(2) A medium-speed electric vehicle must be equipped with a roll bar, roll cage, or crush-proof body design."

Section 55. Section 61-9-437, MCA, is amended to read:

"**61-9-437. Airbag fraud prohibition -- definitions.** (1) A person may not knowingly:

(a) import, manufacture, sell, offer for sale, install, or reinstall in a motor vehicle a counterfeit supplemental restraint system component, a nonfunctional airbag, or an object that does not comply with Federal Motor Vehicle Safety Standard No. 208, 49 CFR 571.208, as of February 12, 2023, for the make, model, and year of the motor vehicle;

(b) sell, offer for sale, install, or reinstall in a motor vehicle a device that causes a motor vehicle's diagnostic system to inaccurately indicate that the motor vehicle is equipped with a properly functioning airbag; or

(c) sell, lease, trade, or transfer a motor vehicle if the person knows that a counterfeit supplemental restraint system component, a nonfunctional airbag, or an object that does not comply with Federal Motor Vehicle Safety Standard No. 208, 49 CFR 571.208, as of February 12, 2023, for the make, model, and

year of the motor vehicle has been installed as part of the motor vehicle's restraint system.

(2) A person who violates this section is subject to the penalties provided in 61-9-522.

(3) As used in this section:

(a) "Airbag" means a motor vehicle inflatable occupant restraint system device that is part of a supplemental restraint system.

(b) "Counterfeit supplemental restraint system component" means a replacement supplemental restraint system component, including but not limited to an airbag, that displays a mark identical to, or substantially similar to, the genuine mark of a motor vehicle manufacturer or a supplier of parts to the manufacturer of a motor vehicle without authorization from that manufacturer or supplier, respectively.

(c) "Nonfunctional airbag" means a replacement airbag that meets any of the following criteria:

(i) the airbag was previously deployed or damaged;

(ii) the airbag has an electric fault that is detected by the vehicle's airbag diagnostic system when the installation procedure is completed and the vehicle is returned to the customer who requested the work to be performed or when ownership is intended to be transferred;

(iii) the airbag includes a part or object, including a supplemental restraint system component, that is installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional airbag has been installed; or

(iv) the airbag is subject to the prohibitions of 49 U.S.C. 30120(j), as of February 12, 2023.

(d) "Supplemental restraint system" means a passive inflatable motor vehicle occupant crash protection system designed for use in conjunction with a seat belt assembly as defined in 49 CFR 571.209. A supplemental restraint system includes one or more airbags and all components required to ensure that an airbag works as designed by the vehicle manufacturer including both of the following:

(i) the airbag operates as designed in the event of a crash; and

(ii) the airbag is designed to meet federal motor vehicle safety standards for the specific make, model, and year of the vehicle in which it is or will be installed.

(4) A person convicted of violating this section is subject to the penalties provided in 61-9-522."

Section 56. Section 61-9-518, MCA, is amended to read:

"**61-9-518. Violation of motorcycle or quadricycle requirements -- penalty.** ~~(1)~~ A person convicted of the violation of 61-9-417 shall be fined $5.

~~(2) A person convicted of the violation of 61-9-418 shall be punished by a fine of not less than $10 or more than $100 for the first conviction. For a second conviction within 1 year, the person shall be punished by a fine of not less than $25 or more than $200. Upon a third or subsequent conviction within 1 year after the first conviction, the person shall be punished by a fine of not less than $50 or more than $500.~~"

Section 57. Section 61-9-520, MCA, is amended to read:

"**61-9-520. Violation of tire chain or traction device use -- penalty.** (1) A person violating the provisions of 61-9-406(6) and (7) is guilty of the nonmoving offense of failure to use chains or approved traction devices when required and upon conviction shall be punished by a fine of:

(a) $250; or

(b) $750 when the result of the violation of this section is an incident that causes the closure of all lanes in one or both directions of a highway.

(2) A violation of 61-9-406(6) and (7) is not a misdemeanor subject to 45-2-101, 61-9-511, *or* 61-9-512~~, or 61-9-519~~."

Section 58. Section 61-10-102, MCA, is amended to read:

"**61-10-102. Width -- definitions.** (1) Except as provided in subsections (2) and (3), a vehicle, including a bus, unloaded or with load, may not have a total outside width in excess of 102 inches. This width for buses is allowed only on paved highways 20 feet or more in width.

(2) (a) Subsection (1) does not apply to an implement of husbandry or a vehicle used for hauling hay that is moved or propelled upon the highway during daylight hours for a distance of not more than 100 miles if the movement is incidental to the farming operations of the owner of the implement of husbandry or the vehicle used for hauling hay. If the implement or vehicle is more than 12 1/2 feet wide, it must be preceded by flag vehicle escorts to warn other highway users. This restriction does not apply to dual-wheel tractors under 15 feet overall width that are used in farming operations or to movement on a county road within 100 miles of the farming operation of the owner of an implement of husbandry or a vehicle used for hauling hay. Lights that meet the requirements of 61-9-219(4) must be displayed on the rear of the implement of husbandry or vehicle used for hauling hay. However, if the highway passes through a hazardous area, the implements or vehicles must be preceded and followed by flag vehicle escorts unless the movement of the implements or vehicles is restricted to a county road within 100 miles of the farming operation of the owner.

(b) An implement of husbandry or a vehicle used for hauling hay that exceeds 16 1/2 feet in width and that is traveling on an interstate or a four-lane highway must be followed by a flag vehicle escort.

(c) A commercial vehicle that is hauling hay but does not qualify under subsection (2)(a) may be granted a permit subject to the provisions of 61-10-121 through 61-10-127.

(d) Subsection (1) does not apply to a commercial hay grinder moved or propelled upon the highway during daylight hours for a distance of not more than 100 miles if the movement is incidental to operations of the commercial hay grinder. A commercial hay grinder exceeding 102 inches in width must have a permit issued under 61-10-124. If the commercial hay grinder is more than 12 1/2 feet wide, it must be preceded by flag vehicle escorts to warn other highway users. Lights that meet the requirements of 61-9-219(4) must be displayed on the rear of the commercial hay grinder. Movement of a commercial hay grinder that does not exceed 138 inches in width may occur on any day of the week, including holidays, and is restricted to movement during daylight hours. Movement of a commercial hay grinder may not exceed the posted speed limit, including the speed limit on an interstate highway.

(3) ~~(a)~~ The width of a recreational vehicle~~, as defined in 61-1-101,~~ and a camper~~, as defined in 61-1-101,~~ that is being operated for noncommercial purposes may exceed 102 inches if:

~~(i)~~*(a)* the excess width is attributable to recreational vehicle or camper appurtenances that do not extend beyond the exterior rearview mirrors of the recreational vehicle, the camper, a vehicle being towed by the recreational vehicle, or the motor vehicle providing motive power; and

~~(ii)~~*(b)* the rearview mirrors extend only the distance necessary to provide the appropriate field of view for the vehicle before the recreational vehicle or camper appurtenances are attached.

~~(b) For the purposes of this section, "recreational vehicle or camper appurtenances" means an awning and its support hardware or any appendage that is intended to be an integral part of the recreational vehicle or camper and that is installed by the manufacturer or dealer.~~

(4) A safety device that the department determines by rule adopted pursuant to 61-9-504 to be necessary for safe and efficient operation of motor vehicles is not included in the calculation of width provided in subsection (1).

(5) Except as provided in subsections (2)(a) and (2)(b), a rear flag vehicle escort is not required for a vehicle that exceeds 12 1/2 feet in width, that is hauling or towing an implement of husbandry, construction equipment, or forestry equipment, and that is operating under this section or as authorized by special permit issued under 61-10-121 through 61-10-125 if the vehicle is operating at highway speed or with the flow of traffic.

(6) ~~For the purposes of~~ *As used in* this section, the following definitions apply:

(a) "Construction equipment" means any vehicle, machine, or attachment designed or adapted for and used in construction, heavy construction, highway construction, and remodeling work.

(b) "Flag vehicle" means a vehicle equipped as required by law or by department of transportation rule to warn or guide vehicular traffic. When not being operated as a flag vehicle, signs must be removed.

(c) "Recreational vehicle or camper appurtenances" means an awning and its support hardware or any appendage that is intended to be an integral part of the recreational vehicle or camper and that is installed by the manufacturer or dealer."

Section 59. Section 61-10-111, MCA, is amended to read:

"**61-10-111. Governor's authority to exempt vehicles from size and weight limits -- *definition.*** (1) The governor may, through executive order, exempt vehicles from the size and weight limits imposed under this part:

(a) upon a request of the director of the department of transportation and any other agency involved in the need to move oversize or overweight vehicles on the highway during emergency circumstances;

(b) for a specified, limited period of time; and

(c) during emergency circumstances and to meet unusual conditions to ensure the general welfare of the public.

(2) The agency director who requests the executive order may specify the areas in which the exemption is in effect, the duration of the exemption, the types of vehicles to be exempted, and any other appropriate conditions of the order.

(3) ~~For the purposes of~~ *As used in* this section, "emergency circumstances" means conditions brought about by a weather event or a natural or other occurrence for which the movement of vehicles that may exceed size and weight limits is necessary for responding to the event or occurrence or for moving supplies, agricultural or other products, or equipment in a manner that is necessary because of the event or occurrence."

Section 60. Section 61-10-124, MCA, is amended to read:

"**61-10-124. (Temporary) Special permits -- fees -- *definition.*** (1) Except as provided in subsections (2)(d) and (3), in addition to the regular registration and gross vehicle weight fees, a fee of $10 for each trip permit and a fee of $75 for each term permit issued for size in excess of that specified in 61-10-101 through 61-10-104 must be paid for all movements under special permits on the public highways under the jurisdiction of the department of transportation.

(2) (a) Except as provided in subsections (2)(b), (2)(d), (2)(f), (2)(h), (3), and (4), term or blanket permits may not be issued for an overwidth vehicle, combination of vehicles, load, or other thing in excess of 15 feet; an overlength vehicle, combination of vehicles, load, object, or other thing in excess of 95 feet; or an overheight vehicle, combination of vehicles, load, or other thing in excess of 14 feet or of a limit determined by the department. A vehicle, combination of vehicles, load, or other thing in excess of these dimensions is limited to trip permits. Except as provided in subsection (2)(g), a Rocky Mountain double may not exceed 81 feet in combined trailer length. A Rocky Mountain double is not subject to a combination length limit. Special permits for vehicle combinations of more than two trailers or more than two units designed for or used to carry a load are not permitted except as provided in subsections (3) and (4). Special permits for vehicle combinations may specify and special permits under subsections (3) and (4) must specify highway routing and otherwise limit or prescribe conditions of operation of the vehicle or combination, including but not limited to required equipment, speed, stability, operational procedures, and insurance.

(b) A term permit may be issued to a dealer in implements of husbandry and self-propelled machinery for an overwidth or overlength vehicle referred to in subsection (2)(a). This permit expires on December 31 of each year, with no grace period.

(c) With payment of the appropriate gross weight fees required by 61-10-201 and with payment of the fee prescribed in subsection (1), allowable gross weight of a five-axle combination logging vehicle is 80,000 pounds.

(d) A term permit may be issued for any combination of vehicles that exceeds 95 feet in length but does not exceed 100 feet in combination length, except a truck-trailer-trailer or a truck tractor-semitrailer-trailer-trailer combination, for travel only on interstate highways, as defined in 60-1-103, or on other highways within a 2-mile radius of an interstate highway interchange in order to obtain necessary services or to load or unload at a terminal. When a terminal is beyond a 2-mile radius, the department may authorize travel between the terminal and the interchange. The fee for this permit is $125.

(e) A term permit may be issued for a truck tractor-semitrailer combination when the semitrailer exceeds 53 feet in length but does not exceed 57 feet in length.

(f) (i) An annual permit may be issued for nondivisible loads up to 120 feet in length. The fee for this permit is $125.

(ii) Portions of a nondivisible load hauled on a public road off of the interstate highway may be detached and reloaded on the same hauling unit if the separate pieces are necessary to the operation of the machine or equipment that is being hauled and if the arrangement does not exceed limits for which a permit may be issued.

(iii) An applicant for a nondivisible load permit for use as provided in subsection (5)(b) is responsible for providing information regarding the number of work hours required to dismantle the load.

(iv) For use as provided in subsection (5)(b) and for the purposes of this section, emergency response vehicles and casks designed and used for the transport of spent nuclear materials are considered nondivisible loads.

(g) A Rocky Mountain double carrying baled hay may not exceed 88 feet of combined trailer length.

(h) A term permit may be issued for an overlength vehicle moving a mobile home or a manufactured home, as defined in 15-24-201, when the vehicle does not exceed 110 feet in length or 16 feet in width.

(3) The department may issue special permits to the operating company for a truck-trailer-trailer or truck tractor-semitrailer-trailer-trailer combination of vehicles under the following conditions:

(a) the combination may be operated only on interstate highways, as defined in 60-1-103, and on other highways within a 2-mile radius of an interstate highway interchange only in order to obtain necessary services or to load or unload at a terminal. When a terminal is beyond a 2-mile radius, the department may authorize travel between the terminal and the interchange.

(b) a combination of vehicles powered by a cab-over or tilt-cab truck tractor or a truck may not exceed an overall length of 105 feet, inclusive of front and rear bumpers and overhang;

(c) a combination of vehicles powered by a conventional truck tractor may not exceed an overall length of 110 feet, inclusive of the front and rear bumpers and overhang;

(d) an individual cargo unit of the combination may not exceed 28 1/2 feet in length and 102 inches in width;

(e) gross weight fees under 61-10-201 must be paid on the truck or truck tractor for the declared registered gross weight of the special vehicle combination, but not to exceed the formula in 61-10-107;

(f) the combination must have a special overlength permit issued at a fee of $200 for a term permit or $20 for each trip permit;

(g) travel of the combination may be restricted to specific routes, hours of operation, specific days, or seasonal periods; and

(h) the department may enforce any other restrictions determined by the department to be necessary. The permit is not transferable, and the fee for the permit is $200.

(4) The department of transportation may issue special permits under subsection (3) for vehicle combinations that consist of a truck-trailer-trailer if:

(a) the vehicle combination's overall length, inclusive of front and rear bumpers, is not more than 95 feet; and

(b) the person, firm, or corporation applying for the permit:

(i) restricts truck-trailer-trailer operations authorized by the permit to the hauling of talc ore, chlorite, dolomite, limestone, and custom combine equipment;

(ii) operated the truck-trailer-trailer combination before July 1, 1987;

(iii) restricts the truck-trailer-trailer operations authorized by the permit to the specified routes that those vehicles used before July 1, 1987; and

(iv) provides the department of transportation with an affidavit confirming the routes used before July 1, 1987, for truck-trailer-trailer operations.

(5) ~~For the purposes of this section, a~~ *As used in this section,* "nondivisible load" ~~is~~ *means*:

(a) on public roads off of interstate highways, a load that cannot be readily or reasonably dismantled and that is reduced to a minimum practical size and weight;

(b) on interstate highways, a load or vehicle exceeding applicable length or weight limits that, if separated into smaller loads or vehicles, would:

(i) compromise the intended use of the vehicle;

(ii) destroy the value of the load or vehicle; or

(iii) require more than 8 work hours to dismantle using appropriate equipment. (Void on occurrence of contingency--sec. 2, Ch. 285, L. 2003.)

61-10-124. (Effective on occurrence of contingency) Special permits -- fees -- *definition.* (1) Except as provided in subsections (2)(d) and (3), in addition to the regular registration and gross vehicle weight fees, a fee of $10 for each trip permit and a fee of $75 for each term permit issued for

size in excess of that specified in 61-10-101 through 61-10-104 must be paid for all movements under special permits on the public highways under the jurisdiction of the department of transportation.

(2) (a) Except as provided in subsections (2)(b), (2)(d), (2)(f), (2)(g), (3), and (4), term or blanket permits may not be issued for an overwidth vehicle, combination of vehicles, load, or other thing in excess of 15 feet; an overlength vehicle, combination of vehicles, load, object, or other thing in excess of 95 feet; or an overheight vehicle, combination of vehicles, load, or other thing in excess of 14 feet or of a limit determined by the department. A vehicle, combination of vehicles, load, or other thing in excess of these dimensions is limited to trip permits. A Rocky Mountain double may not exceed 81 feet in combined trailer length. A Rocky Mountain double is not subject to a combination length limit. Special permits for vehicle combinations of more than two trailers or more than two units designed for or used to carry a load are not permitted except as provided in subsections (3) and (4). Special permits for vehicle combinations may specify and special permits under subsections (3) and (4) must specify highway routing and otherwise limit or prescribe conditions of operation of the vehicle or combination, including but not limited to required equipment, speed, stability, operational procedures, and insurance.

(b) A term permit may be issued to a dealer in implements of husbandry and self-propelled machinery for an overwidth or overlength vehicle referred to in subsection (2)(a). This permit expires on December 31 of each year, with no grace period.

(c) With payment of the appropriate gross weight fees required by 61-10-201 and with payment of the fee prescribed in subsection (1), allowable gross weight of a five-axle combination logging vehicle is 80,000 pounds.

(d) A term permit may be issued for any combination of vehicles that exceeds 95 feet in length but does not exceed 100 feet in combination length, except a truck-trailer-trailer or a truck tractor-semitrailer-trailer-trailer combination, for travel only on interstate highways, as defined in 60-1-103, or on other highways within a 2-mile radius of an interstate highway interchange in order to obtain necessary services or to load or unload at a terminal. When a terminal is beyond a 2-mile radius, the department may authorize travel between the terminal and the interchange. The fee for this permit is $125.

(e) A term permit may be issued for a truck tractor-semitrailer combination when the semitrailer exceeds 53 feet in length but does not exceed 57 feet in length.

(f) (i) An annual permit may be issued for nondivisible loads up to 120 feet in length. The fee for this permit is $125.

(ii) Portions of a nondivisible load hauled on a public road off of the interstate highway may be detached and reloaded on the same hauling unit if the separate pieces are necessary to the operation of the machine or equipment that is being hauled and if the arrangement does not exceed limits for which a permit may be issued.

(iii) An applicant for a nondivisible load permit for use as provided in subsection (5)(b) is responsible for providing information regarding the number of work hours required to dismantle the load.

(iv) For use as provided in subsection (5)(b) and for the purposes of this section, emergency response vehicles and casks designed and used for the transport of spent nuclear materials are considered nondivisible loads.

(g) A term permit may be issued for an overlength vehicle moving a mobile home or a manufactured home, as defined in 15-24-201, when the vehicle does not exceed 110 feet in length or 16 feet in width.

(3) The department may issue special permits to the operating company for a truck-trailer-trailer or truck tractor-semitrailer-trailer-trailer combination of vehicles under the following conditions:

(a) the combination may be operated only on interstate highways, as defined in 60-1-103, and on other highways within a 2-mile radius of an interstate highway interchange only in order to obtain necessary services or to load or unload at a terminal. When a terminal is beyond a 2-mile radius, the department may authorize travel between the terminal and the interchange.

(b) a combination of vehicles powered by a cab-over or tilt-cab truck tractor or a truck may not exceed an overall length of 105 feet, inclusive of front and rear bumpers and overhang;

(c) a combination of vehicles powered by a conventional truck tractor may not exceed an overall length of 110 feet, inclusive of the front and rear bumpers and overhang;

(d) an individual cargo unit of the combination may not exceed 28 1/2 feet in length and 102 inches in width;

(e) gross weight fees under 61-10-201 must be paid on the truck or truck tractor for the declared registered gross weight of the special vehicle combination, but not to exceed the formula in 61-10-107;

(f) the combination must have a special overlength permit issued at a fee of $200 for a term permit or $20 for each trip permit;

(g) travel of the combination may be restricted to specific routes, hours of operation, specific days, or seasonal periods; and

(h) the department may enforce any other restrictions determined by the department to be necessary. The permit is not transferable, and the fee for the permit is $200.

(4) The department of transportation may issue special permits under subsection (3) for vehicle combinations that consist of a truck-trailer-trailer if:

(a) the vehicle combination's overall length, inclusive of front and rear bumpers, is not more than 95 feet; and

(b) the person, firm, or corporation applying for the permit:

(i) restricts truck-trailer-trailer operations authorized by the permit to the hauling of talc ore, chlorite, dolomite, limestone, and custom combine equipment;

(ii) operated the truck-trailer-trailer combination before July 1, 1987;

(iii) restricts the truck-trailer-trailer operations authorized by the permit to the specified routes that those vehicles used before July 1, 1987; and

(iv) provides the department of transportation with an affidavit confirming the routes used before July 1, 1987, for truck-trailer-trailer operations.

(5) ~~For the purposes of this section, a~~ *As used in this section,* "nondivisible load" ~~is~~ *means*:

(a) on public roads off of interstate highways, a load that cannot be readily or reasonably dismantled and that is reduced to a minimum practical size and weight;

(b) on interstate highways, a load or vehicle exceeding applicable length or weight limits that, if separated into smaller loads or vehicles, would:

(i) compromise the intended use of the vehicle;

(ii) destroy the value of the load or vehicle; or

(iii) require more than 8 work hours to dismantle using appropriate equipment."

Section 61. Section 61-10-141, MCA, is amended to read:

"**61-10-141. Officers authorized to weigh vehicles and require removal of excessive loads -- definition.** (1) (a) A peace officer, officer of the highway patrol, or employee of the department of transportation may weigh

any vehicle regulated by 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110, except recreational vehicles, travel trailers, or motor homes, by means of either portable scales used on an engineered site or stationary scales. The peace officer, officer of the highway patrol, or employee of the department of transportation may require that the vehicle be driven to the nearest stationary scales or engineered site for use of portable scales if those stationary scales or an engineered site is within 2 miles.

(b) If it is determined in the weighing process that the maximum allowable weights specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 have been exceeded, the peace officer, officer of the highway patrol, or employee of the department of transportation may then require the driver to unload at a designated facility that portion of the load necessary to decrease the weight of the vehicle to conform to the maximum allowable weights specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110. If the excess weight does not exceed 10,000 pounds, an excess weight permit may be issued in accordance with 61-10-121. The permit authorizes the driver of the excess weight load to proceed to a designated facility where the load can be safely reduced to legal limits.

(2) Commodities and material unloaded as required by this section must be cared for by the owner or operator of the vehicle at the risk of that owner or operator. Commodities or material unloaded as required by this section may not be left on the highway right-of-way.

(3) The department of transportation may establish, maintain, and operate weigh stations, either intermittently or on a continuous schedule, and may, except for trucks exempted by department administrative rule, require all trucks and commercial motor vehicles of 26,000 pounds GVW or greater to enter for the purpose of weighing and inspection for compliance with all laws pertaining to their operation and safety requirements. The department may require vehicles over 10,000 pounds, except those exempted by department administrative rule, to be inspected and weighed by portable scale crews when the portable scales are used on an engineered site.

(4) ~~For the purposes of~~ *As used in* this section, "engineered site" means:

(a) a turnout designed and constructed by the department of transportation that has indents in the pavement to level portable scales; or

(b) a site where leveling pads can be used in strict accordance with all of the manufacturer's manuals and specifications."

Section 62. Section 61-11-101, MCA, is amended to read:

"**61-11-101. Report of convictions and suspension or revocation of driver's licenses -- surrender of licenses.** (1) If a person is convicted of an offense for which chapter 5 or chapter 8, part 8, makes mandatory the revocation of the driver's license or commercial driver's license of the person by the department, the court in which the conviction occurs shall require the surrender to it of all driver's licenses then held by the convicted person. The court shall forward the conviction to the department and destroy the driver's licenses.

(2) A court having jurisdiction over offenses committed under a statute of this state or a municipal ordinance regulating the operation of motor vehicles on highways, except for standing or parking statutes or ordinances, shall forward a record of the conviction, as defined in 61-5-213, to the department within 5 days after the conviction. The court may recommend that the department issue a restricted probationary license on the condition that the individual comply with the requirement that the person attend and complete a chemical dependency education course, treatment, or both, as ordered by the court under 61-8-1009.

(3) A court or other agency of this state or of a subdivision of the state that has jurisdiction to take any action suspending, revoking, or otherwise limiting a license to drive shall report an action and the adjudication upon which it is based to the department within 5 days on forms furnished by the department.

(4) (a) On a conviction referred to in subsection (1) of a person who holds a commercial driver's license or who is required to hold a commercial driver's license, a court may not take any action, including deferring imposition of judgment, that would prevent a conviction for any violation of a state or local traffic control law or ordinance, except a parking law or ordinance, in any type of motor vehicle, from appearing on the person's driving record. The provisions of this subsection (4)(a) apply only to the conviction of a person who holds a commercial driver's license or who is required to hold a commercial driver's license and do not apply to the conviction of a person who holds any other type of driver's license.

(b) For purposes of this subsection (4), "who is required to hold a commercial driver's license" refers to a person who did not have a commercial driver's license but who was operating a commercial motor vehicle at the time of a violation of a state or local traffic control law or ordinance resulting in a conviction referred to in subsection (1).

(5) (a) If a person who holds a valid registry identification card or license issued pursuant to 16-12-203 or 16-12-508 is convicted of or pleads guilty to any offense related to driving under the influence of alcohol or drugs when the initial offense with which the person was charged was a violation of 61-8-1002, the court in which the conviction occurs shall require the person to surrender the registry identification card or license.

(b) Within 5 days after the conviction, the court shall forward the registry identification card and a copy of the conviction to the department of revenue.

(6) A person convicted of violating this section is subject to the penalties provided in 61-5-307."

Section 63. Section 87-6-207, MCA, is amended to read:

"**87-6-207. Unlawful use of boat.** (1) A person may not use a motorboat or a sailboat as defined in ~~23-2-502~~ *61-1-101* for the purpose of killing, capturing, taking, pursuing, concentrating, driving, or stirring up any upland game bird, migratory bird, game animal, or fur-bearing animal until the motor is shut off or the sails are furled and the progress of the vessel has ceased.

(2) The following penalties apply for a violation of this section:

(a) Unless otherwise provided in this subsection (2), a person convicted of a violation of this section shall be fined not less than $50 or more than $1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

(b) If a person is convicted or forfeits bond or bail after being charged with unlawful use of a boat to kill or take a mountain sheep, moose, wild buffalo, caribou, mountain goat, black bear, or grizzly bear, the person shall be fined not less than $500 or more than $2,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person shall forfeit any current hunting, fishing, recreational use, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for 30 months from the date of conviction or forfeiture unless the court imposes a longer period.

(c) If a person is convicted or forfeits bond or bail after being charged with unlawful use of a boat to kill or take a deer, antelope, elk, or mountain lion, the person shall be fined not less than $300 or more than $1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person shall forfeit any current hunting, fishing, recreational use, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for 24 months from the date of conviction or forfeiture unless the court imposes a longer period.

(d) If a person is convicted or forfeits bond or bail after being charged with unlawful use of a boat to kill or take a fur-bearing animal, the person shall be fined not less than $100 or more than $1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person shall forfeit any current hunting, fishing, recreational use, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for 24 months from the date of conviction or forfeiture unless the court imposes a longer period, and any pelts possessed unlawfully must be confiscated."

Section 64. Repealer. The following sections of the Montana Code Annotated are repealed:

61-9-513. Violation of general lighting requirement and slow-moving vehicle provisions -- penalty.
61-9-514. Unauthorized use of firefighter's private vehicle -- penalty.
61-9-519. Violation of tire restrictions -- penalty.

Section 65. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 61, chapter 3, part 1, and the provisions of Title 61, chapter 3, part 1, apply to [section 1].

Approved April 3, 2025

CHAPTER NO. 48

[HB 104]

AN ACT GENERALLY REVISING POWERS AND DUTIES OF AGENTS; ADDING HUMAN TRAFFICKING, PROSTITUTION, AND INTERNET CRIMES AGAINST CHILDREN TO THE LIST OF OFFENSES AN AGENT APPOINTED BY THE ATTORNEY GENERAL HAS CONCURRENT JURISDICTION TO INVESTIGATE; PROVIDING A DEFINITION; AND AMENDING SECTION 44-2-115, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 44-2-115, MCA, is amended to read:

"**44-2-115. Powers and duties of agents -- *definition.*** *(1)* An agent appointed by the attorney general pursuant to this part is a peace officer and:

~~(1)~~*(a)* shall provide investigative assistance to city, county, state, and federal law enforcement agencies at their request in accordance with rules adopted by the department of justice;

~~(2)~~*(b)* ~~shall~~ *shall* have concurrent jurisdiction with local law enforcement agencies to investigate offenses involving*:*

(i) dangerous drugs, as provided in Title 45, chapter 9~~, and~~*;*

(ii) violations that constitute organized criminal activity;

(iii) human trafficking, as defined in 45-5-701;

(iv) prostitution or patronizing a prostitute, as provided in 45-5-601; or

(v) internet crimes against children;

~~(3)~~*(c)* shall investigate gambling activities in this state*,* as provided in 23-5-113;

~~(4)~~*(d)* shall investigate any apparent violations of penal statutes disclosed by an audit of a state agency by the legislative auditor;

~~(5)~~*(e)* shall investigate apparent violations of penal statutes referred by the state workers' compensation insurance fund; and

~~(6)~~*(f)* shall assist whenever possible any law enforcement school held in the state for law enforcement officers when requested.

(2) For the purposes of this section, "internet crimes against children" means the use of an electronic device or electronic communication to commit or facilitate the commission of a crime against a child, including:

(a) sexual assault, as defined in 45-5-502;

(b) sexual intercourse without consent, as defined in 45-5-503;

(c) indecent exposure, as defined in 45-5-504;

(d) aggravated sexual intercourse without consent, as defined in 45-5-508;

(e) sexual abuse of children, as defined in 45-5-625;

(f) child sex trafficking, as defined in 45-5-711; and

(g) any other offense in which a person uses technology to commit or facilitate a crime against a child."

Approved April 3, 2025

CHAPTER NO. 49

[HB 105]

AN ACT REVISING LAWS RELATED TO GAME BIRD FARMS; REMOVING LICENSEE AND DEPARTMENT NOTIFICATION REQUIREMENTS; CHANGING APPLICATION TIMELINES AND REQUIREMENTS; SETTING A GAME BIRD FARM LICENSE FEE; EXTENDING A GAME BIRD FARM LICENSE TO 5 YEARS; AMENDING SECTIONS 87-4-902, 87-4-904, 87-4-905, 87-4-906, AND 87-4-912, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 87-4-902, MCA, is amended to read:

"**87-4-902. Exemption.** This part does not apply to:

(1) a person who owns, controls, or propagates game birds for purposes other than sale or conveyance of game birds or parts of game birds ~~and who notifies the department and receives its written authorization and exemption~~;

(2) the holder of a migratory game bird avicultural permit under 87-2-807; or

(3) the holder of a shooting preserve license under Title 87, chapter 4, part 5, who uses temporary holding pens pursuant to 87-4-530."

Section 2. Section 87-4-904, MCA, is amended to read:

"**87-4-904. Application for game bird farm license -- limitation on issuance.** (1) A person desiring to obtain a game bird farm license shall make a written application to the department. The application must *be submitted on a form provided by the department and* specify:

(a) the name of the applicant;

(b) the applicant's address;

(c) the species of game bird and any plans to propagate them;

(d) the legal description of the lands to be included;

(e) the type of fence or enclosure that the applicant contemplates erecting;

(f) the source of game birds; and

(g) for a nonresident owner, the name and address of a local resident agent.

(2) (a) A game bird farm license may be issued only to a responsible applicant who owns or leases the premises on which the operations are to be

conducted and who has properly fenced or otherwise enclosed the place where the game bird farm is to be located.

(b) A game bird farm owned by a nonresident must have a resident agent who is responsible for the daily operation of the farm and who is authorized by the nonresident owner to receive service of process.

(3) Within ~~30~~ *60* days of receiving the application, the department shall notify the applicant of its decision to approve or deny the application. If the required fencing or enclosure has not been completed, the department shall approve the application subject to the fencing or enclosure being completed. If the application is denied, the department shall specify the reasons for denial."

Section 3. Section 87-4-905, MCA, is amended to read:

"**87-4-905. License ~~and renewal~~ fee -- deposit of fees.** (1) ~~Game bird farm license and annual renewal fees must be set by department rule.~~ *A game bird farm license is $300.*

(2) The fees must be deposited in the state special revenue fund for the use of the department for purposes of this part."

Section 4. Section 87-4-906, MCA, is amended to read:

"**87-4-906. Term of license -- *renewal* conditions -- changes in operation.** (1) A game bird farm license ~~is valid only for the license year for which it is issued~~ *expires on February 28 of the fifth year following issuance.* ~~The licensee shall apply for renewal annually, and the~~ *The* department shall renew the license *on payment of the license fee* if the licensee has not violated any provision under which the license was granted *and has submitted the reports required by 87-4-912 on forms provided by the department.*

(2) The licensee shall notify the department of any proposed changes in the species managed or in the size or location of the enclosure prior to the institution of such change."

Section 5. Section 87-4-912, MCA, is amended to read:

"**87-4-912. Records and reporting.** (1) Each licensee shall keep accurate records of the number and species of birds purchased, transferred, or sold and the name of each person to whom or from whom ~~such~~ *the* birds were purchased, transferred, or sold. *These records must be open to inspection by a warden or the director at any reasonable time.*

(2) On or before January 31 of each year, each licensee shall file a report with the director, showing the number and species of birds on hand on January 1 and the number and kinds of birds purchased, transferred, or sold during the past year. All records described in this section must be kept for not less than ~~3~~ *5* years."

Section 6. Effective date. [This act] is effective July 1, 2025.

Approved April 3, 2025

CHAPTER NO. 50

[HB 107]

AN ACT REVISING LICENSING AND PERMITTING REQUIREMENTS FOR TAXIDERMISTS, FUR DEALERS, FUR FARM OPERATORS, OWNERS OF EXOTIC WILDLIFE, AND OWNERS OF WILDLIFE MENAGERIES, SANCTUARIES, AND ZOOS; CREATING LICENSE EXPIRATION DATES; REVISING RECORDKEEPING REQUIREMENTS; ESTABLISHING FEES FOR FUR FARM LICENSES AND EXOTIC WILDLIFE PERMITS; AMENDING SECTIONS 87-4-201, 87-4-302, 87-4-802, 87-4-803, 87-4-1004, 87-5-704, AND 87-5-705, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 87-4-201, MCA, is amended to read:

"**87-4-201. Regulation of taxidermists.** (1) As used in this section, "taxidermist" means a person who conducts a business for the purpose of mounting, preserving, or preparing all or part of the dead bodies of any wildlife.

(2) Before conducting the business of a taxidermist, a taxidermist shall obtain from the department a taxidermist's license and pay an annual license fee of $50. *The license expires on February 28 of the year following issuance.*

(3) A taxidermist shall keep a written record of all the articles of wildlife in the taxidermist's possession or control, including the following information:

(a) the kind and number of each article of wildlife;

(b) the name and residence of the owner of the article of wildlife; and

(c) all the articles of wildlife shipped and to whom and where shipped.

(4) The taxidermist shall keep the written record required under subsection (3) for as long as the articles of wildlife remain in the possession of the taxidermist or at least 5 years, whichever is longer. These records must be open to inspection by a warden *or the director* at any reasonable time.

(5) A person who violates this section is subject to the penalties provided in 87-6-703."

Section 2. Section 87-4-302, MCA, is amended to read:

"**87-4-302. Records and inspection.** (1) A fur dealer shall keep a *written record that contains for each transaction a separate, dated entry providing the following details* ~~book in which shall be recorded separately on the date of each transaction the following facts~~:

(a) the number and kind of all skins or pelts purchased or sold by the fur dealer;

(b) the place where the skins or furs were killed or trapped and a separate record of all the skins or pelts ~~as~~ *that* were killed or trapped outside ~~this~~ *the* state;

(c) the trapping license number under which the furs or pelts were taken in cases where a ~~trapper's~~ *trapping* license is required; *and*

(d) the names and addresses of the persons to whom the skins or pelts were sold or from whom they were purchased.

(2) ~~This book shall be open at all reasonable times to the inspection of the director or any warden or any United States game warden and shall be preserved and accessible for 1 year after the expiration of any license granted to the fur dealer.~~ *A fur dealer shall retain the written record required under subsection (1) for as long as the skins, pelts, or furs remain in the possession of the fur dealer or for at least 1 year, whichever period is longer. This record must be open to inspection by a warden or the director at any reasonable time.*"

Section 3. Section 87-4-802, MCA, is amended to read:

"**87-4-802. Department regulations.** The department shall adopt and enforce reasonable regulations for the housing, care, treatment, feeding, and sanitation of animals kept in roadside menageries, wild animal menageries, wildlife sanctuaries, and zoos, for the protection of the public from injury by those animals, and for the licensing of roadside menageries, wild animal menageries, wildlife sanctuaries, and zoos. *A written record required by the department must be maintained for 5 years and must be open to inspection by a warden or the director at any reasonable time.*"

Section 4. Section 87-4-803, MCA, is amended to read:

"**87-4-803. Permits.** (1) *(a)* The department may grant permits for roadside menageries, wild animal menageries, wildlife sanctuaries, and zoos. Application for a permit must be made to the director on a form prescribed by the director.

(b) The annual permit fee for five or ~~less~~ *fewer* animals is $10. The annual permit fee for more than five animals is $25. ~~Permits expire on December 31 but may be renewed upon payment of the annual fee and submission of a renewal application.~~ *Permits are valid for the year in which they are issued through February 28 of the year following issuance but may be renewed upon payment of the annual fee and submission of a renewal application.*

(c) This section does not apply to *roadside menageries, wild animal menageries, wildlife sanctuaries, and zoos operated by* the United States, the state of Montana, or any county or city.

(d) A person who subscribes to any false statement in *an* application for a permit is subject to the provisions of 87-6-715 and may be denied a permit.

(2) (a) A permit application for a roadside menagerie must include:

(i) the applicant's name and address;

(ii) the exact location of the facility;

(iii) a list of species and the number of animals to be held in the facility;

(iv) the type of facility contemplated, including cage specifications;

(v) a copy of all required federal permits for exhibition of wild animals; and

(vi) a copy of a liability insurance policy to cover bodily injury or property damage.

(b) A permit application for a wild animal menagerie must include:

(i) the applicant's name and address;

(ii) the exact location of the facility, together with the nature of the applicant's title to the land, whether in fee, under lease, by contract for deed, or otherwise;

(iii) a list of species and the number of animals to be held in the facility;

(iv) the type of facility contemplated, including cage specifications; and

(v) information demonstrating that the applicant is responsible.

(c) A permit application for a wildlife sanctuary or a zoo must include:

(i) the applicant's name and address;

(ii) the exact location of the facility;

(iii) a copy of the nonprofit corporation documents approved by the secretary of state's office;

(iv) a copy of the required federal permits for exhibition of wild animals; and

(v) if applicable, a copy of the association of zoos and aquariums, the zoological association of America, the American sanctuary association, or the global federation of animal sanctuaries accreditation program specific to the facility.

(3) Renewal applications for roadside menageries and wild animal menageries must include an accounting of all wild animals on the facility.

(4) A permit may not be granted by the department until it has satisfactorily verified that the provisions for housing and caring for the animals and for protecting the public are proper and adequate and in accordance with the standards established by the department.

(5) A permit is not transferable to another person."

Section 5. Section 87-4-1004, MCA, is amended to read:

"**87-4-1004. License and renewal fee -- deposit.** (1) ~~Fur farm license and annual renewal fees must be set by department rule.~~ *A fur farm license fee is $85. A fur farm operator whose license has been expired for more than 1 year is considered a new applicant and shall submit a new application form with the license fee.*

(2) Application for a fur farm license must be made in writing on a form provided by the department.

(3) A fur farm license expires on February 28 of the fifth year following issuance. The department shall renew the license on payment of the license fee if the licensee has not violated any provision under which the license was granted and has submitted the report required by 87-4-1011 on forms provided by the department.

~~(2)~~*(4)* The fees must be deposited in the state special revenue fund for the use of the department for purposes of this part."

Section 6. Section 87-5-704, MCA, is amended to read:

"**87-5-704. Rulemaking.** (1) The commission may adopt rules to implement 87-5-701, 87-5-702, and 87-5-711 through 87-5-715. In implementing 87-5-713, the commission may adopt rules approving species of wildlife that may be introduced by the department. In implementing 87-5-715, the commission may adopt rules to authorize the control or extermination by the department of introduced wildlife species.

(2) The department may adopt rules to implement 87-5-713 and 87-5-715. In implementing 87-5-713 and 87-5-715, the department may not adopt rules in the subject areas reserved to the commission in subsection (1).

(3) (a) The commission may adopt rules to implement 87-5-705 through 87-5-709 and 87-5-712 regarding the importation, possession, and sale of exotic wildlife, including adoption of a list of controlled exotic wildlife and a list of prohibited exotic wildlife. The commission may by rule add to the list of noncontrolled exotic wildlife provided in 87-5-706. The department of livestock may not issue import permits for exotic wildlife on a list of controlled exotic wildlife or prohibited exotic wildlife without authorization from the department.

(b) The commission may adopt rules regarding the operation of the classification review committee established in 87-5-708.

(4) The department may adopt rules regarding issuance of the authorization permit provided for in 87-5-705(2)~~, including the establishment of a reasonable fee for the permit~~."

Section 7. Section 87-5-705, MCA, is amended to read:

"**87-5-705. Regulation of exotic wildlife --** ***permit and renewal fees.*** (1) A person may not import into the state, possess, or sell any exotic wildlife unless:

(a) the importation, possession, or sale of the exotic wildlife is allowed by law or commission rule; and

(b) the person has obtained authorization for importation from the department of livestock pursuant to Title 81, chapter 2, part 7.

(2) The department may issue a permit for authorizing the possession or sale of controlled exotic wildlife and make the permit available to persons who wish to import, possess, or sell controlled exotic wildlife, subject to rules of the commission and the department. ~~The department may charge a reasonable fee, as determined by department rule, for the issuance of the authorization permit.~~"

(3) The department shall assess a fee of $125 to obtain or renew a permit to possess a controlled exotic wildlife species. The permit expires on February 28 of the fifth year following issuance. Renewal is contingent on submission of the permit fee and any required reporting of current inventory and changes to inventory during the preceding year.

(4) The department shall assess a fee of $500 to obtain a permit to sell, breed, or exchange a controlled exotic wildlife species. The permit expires on February 28 of the fifth year following issuance. Renewal is contingent on submission of the permit fee and any required reporting of current inventory and changes to inventory during the preceding years."

Section 8. Effective date. [This act] is effective March 1, 2026.

Approved April 3, 2025

CHAPTER NO. 51

[HB 110]

AN ACT REVISING REQUIREMENTS FOR THE LEGISLATIVE SERVICES DIVISION TO SELL CERTAIN PRINTED INFORMATION RELATED TO A LEGISLATIVE SESSION; ELIMINATING THE REQUIREMENT FOR THE LEGISLATIVE SERVICES DIVISION TO SELL SINGLE COPIES OF BILLS, RESOLUTIONS, AND AMENDMENTS AND TO PROVIDE A SUBSCRIPTION SERVICE TO ACCESS STATUS SHEETS; REQUIRING THE LEGISLATIVE SERVICES DIVISION TO PROVIDE ELECTRONIC VERSIONS OF BILLS, RESOLUTIONS, AND AMENDMENTS; AMENDING SECTION 5-11-212, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 5-11-212, MCA, is amended to read:

"**5-11-212. Fees for proceedings -- *electronic version requirement.*** (1) A complete set of the proceedings of a regular or special session of the legislature may be purchased from the legislative services division for the amount prescribed by the legislative council. Upon receipt of payment, the executive director of the legislative services division shall supply the purchaser with a complete set of the proceedings.

(2) A purchaser who requests that a set of the proceedings be mailed shall pay an additional fee as prescribed by the council for each complete set that is mailed.

~~(3) Single copies of bills, resolutions, or amendments to bills or resolutions may be purchased from the legislative services division for a price varying with the length of the document as prescribed by the legislative council.~~

~~(4) Single copies of status sheets or status of proceedings may be purchased from the legislative services division for a price per copy as prescribed by the legislative council. A person may subscribe to receive daily copies of the status sheets or status of proceedings by mail for a fee set by the legislative council to cover the costs of the service.~~

(3) The legislative services division shall provide an electronic version of each bill and resolution and each amendment to a bill or resolution.

~~(5)~~*(4)* The executive director of the legislative services division shall account for all funds collected under this section and shall transmit the funds to the treasurer of the state of Montana, who shall credit them to the general fund."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved April 3, 2025

CHAPTER NO. 52

[HB 111]

AN ACT ADOPTING THE UNIFORM ELECTRONIC LEGAL MATERIAL ACT; PROVIDING DEFINITIONS; PROVIDING FOR WHAT CONSTITUTES LEGAL MATERIAL IN THE OFFICIAL ELECTRONIC RECORD; PROVIDING FOR AUTHENTICATION OF THE OFFICIAL ELECTRONIC

RECORD; PROVIDING FOR THE EFFECT OF AUTHENTICATION; REQUIRING PRESERVATION AND SECURITY OF LEGAL MATERIAL IN THE OFFICIAL ELECTRONIC RECORD; ENSURING PUBLIC ACCESS TO LEGAL MATERIAL IN THE OFFICIAL ELECTRONIC RECORD; PROVIDING STANDARDS; PROVIDING FOR UNIFORMITY OF APPLICATION AND CONSTRUCTION; ESTABLISHING THE RELATIONSHIP OF THIS ACT WITH THE ELECTRONIC SIGNATURES IN THE GLOBAL AND NATIONAL COMMERCE ACT; AMENDING SECTION 1-11-103, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Short title. [Sections 1 through 11] may be cited as the "Uniform Electronic Legal Material Act".

Section 2. Definitions. As used in [sections 1 through 11], the following definitions apply:

(1) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(2) "Legal material" means, whether or not in effect:

(a) the Constitution of the State of Montana;

(b) the Laws of Montana, also known as the session laws; or

(c) the Montana Code Annotated.

(3) "Official publisher" means:

(a) for the Constitution of the State of Montana, the code commissioner provided for in 1-11-201 through 1-11-204 and 1-11-301 through 1-11-304;

(b) for the Laws of Montana, the legislative services division provided for in 5-11-201 through 5-11-214; and

(c) for the Montana Code Annotated, the code commissioner provided for in 1-11-201 through 1-11-204 and 1-11-301.

(4) "Publish" means to display, present, or release to the public, or cause to be displayed, presented, or released to the public, by the official publisher.

(5) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(6) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

Section 3. Applicability. [Sections 1 through 11] applies to all legal material in an electronic record that is designated as official under [section 4] and first published electronically on or after [the effective date of this act].

Section 4. Legal material in official electronic record. (1) If an official publisher publishes legal material only in an electronic record, the publisher shall:

(a) designate the electronic record as official; and

(b) comply with [sections 5, 7, and 8].

(2) An official publisher that publishes legal material in an electronic record and also publishes the material in a record other than an electronic record may designate the electronic record as official if the publisher complies with [sections 5, 7, and 8].

Section 5. Authentication of official electronic record. An official publisher of legal material in an electronic record that is designated as official under [section 4] shall authenticate the record. To authenticate an electronic record, the publisher shall provide a method for a user to determine that the

record received by the user from the publisher is unaltered from the official record published by the publisher.

Section 6. Effect of authentication. (1) Legal material in an electronic record that is authenticated under [section 5] is presumed to be an accurate copy of the legal material.

(2) If another state has adopted a law substantially similar to [sections 1 through 11], legal material in an electronic record that is designated as official and authenticated by the official publisher in that state is presumed to be an accurate copy of the legal material.

(3) A party contesting the authentication of legal material in an electronic record authenticated under [section 5] has the burden of proving by a preponderance of the evidence that the record is not authentic.

Section 7. Preservation and security of legal material in official electronic record. (1) An official publisher of legal material in an electronic record that is or was designated as official under [section 4] shall provide for the preservation and security of the record in an electronic form or a form that is not electronic.

(2) If legal material is preserved under subsection (1) in an electronic record, the official publisher shall:

(a) ensure the integrity of the record;

(b) provide for backup and disaster recovery of the record; and

(c) ensure the continuing usability of the material.

Section 8. Public access to legal material in official electronic record. An official publisher of legal material in an electronic record that is required to be preserved under [section 7] shall ensure that the material is reasonably available for use by the public on a permanent basis.

Section 9. Standards. In implementing [sections 1 through 11], an official publisher of legal material in an electronic record shall consider:

(1) standards and practices of other jurisdictions;

(2) the most recent standards regarding authentication of, preservation and security of, and public access to legal material in an electronic record and other electronic records, as promulgated by national standard-setting bodies;

(3) the needs of users of legal material in an electronic record;

(4) the views of governmental officials and entities and other interested persons; and

(5) to the extent practicable, methods and technologies for the authentication of, preservation and security of, and public access to legal material that are compatible with the methods and technologies used by other official publishers in this state and in other states that have adopted a law substantially similar to [sections 1 through 11].

Section 10. Uniformity of application and construction. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Section 11. Relation to Electronic Signatures in Global and National Commerce Act. [Sections 1 through 11] modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

Section 12. Section 1-11-103, MCA, is amended to read:

"**1-11-103. Effect of Montana Code Annotated -- official version.** (1) The Montana Code Annotated is a reenactment of the Revised Codes of Montana, 1947, and the supplements thereto.

(2) The enactment of the Montana Code Annotated may not:

(a) revive a law repealed or superseded before the effective date of the Montana Code Annotated;

(b) affect an act done, right accrued, or obligation incurred or imposed by law prior to the effective date of the Montana Code Annotated;

(c) affect any action, suit, or proceeding pending on the effective date of the Montana Code Annotated;

(d) repeal statutes of a nongeneral, nonpermanent nature, such as severability, construction, validating, repealing, or similar statutes, omitted from the Montana Code Annotated.

(3) The Montana Code Annotated must be given effect as a continuation of the Revised Codes of Montana and not as a new enactment. A defect in title of any act set out in prior laws and reenacted by the Montana Code Annotated is cured by the enactment of the Montana Code Annotated.

(4) No implication or presumption of legislative construction is to be drawn from the classification or arrangement of the Montana Code Annotated.

(5) Unless specifically and expressly adopted as part of the law by the legislature, annotations, code commissioner notes, catchlines, or other editorial material included in the Montana Code Annotated may not be construed as part of the legislative text but are only for the purpose of convenience, orderly arrangement, and information.

(6) After enactment, the Montana Code Annotated, including all subsequent replacement volumes, is prima facie the official laws of Montana. In case of any inconsistency in meaning arising through omission or otherwise between the provisions of the Montana Code Annotated and the corresponding portion of the official enrolled bill on file with the secretary of state, effect must be given to the official enrolled bill.

(7) The Montana Code Annotated, prepared in accordance with part 3, *or [sections 1 through 11],* is the official version of the statutes of Montana. The official version of the statutes is the only publication of the statutes that may be used in public documents. This subsection is not intended to interfere with the supreme court's authority to adopt rules of evidence pursuant to Article VII, section 2, of the Montana constitution."

Section 13. Codification instruction. [Sections 1 through 11] are intended to be codified as an integral part of Title 1, and the provisions of Title 1 apply to [sections 1 through 11].

Section 14. Effective date. [This act] is effective October 1, 2025.

Approved April 3, 2025

CHAPTER NO. 53

[HB 112]

AN ACT REVISING AND CLARIFYING THE MONTANA CODE ANNOTATED; DIRECTING THE CODE COMMISSIONER TO CORRECT ERRONEOUS REFERENCES CONTAINED IN MATERIAL ENACTED BY THE 69TH LEGISLATURE AND PREVIOUS LEGISLATURES; DIRECTING THE CODE COMMISSIONER THAT WHEREVER A REFERENCE TO SECTION 5-11-210, MCA, APPEARS IN LEGISLATION ENACTED BY THE 2025

LEGISLATURE AND REQUIRES A NEW REPORT TO THE LEGISLATURE, THE CODE COMMISSIONER SHALL INCLUDE THE REPORT UNDER THE APPROPRIATE INTERIM COMMITTEE IN SECTION 5-11-222, MCA; DIRECTING THE CODE COMMISSIONER THAT WHEREVER A REFERENCE TO SECTION 5-11-210, MCA, IS REPEALED OR STRICKEN IN LEGISLATION ENACTED BY THE 2025 LEGISLATURE, THE CODE COMMISSIONER SHALL STRIKE THAT REPORT FROM SECTION 5-11-222, MCA; DIRECTING THE CODE COMMISSIONER THAT WHEREVER A REFERENCE TO SECTION 5-11-210, MCA, IS TERMINATED, THE CODE COMMISSIONER SHALL STRIKE THAT REPORT FROM SECTION 5-11-222, MCA; AND AMENDING SECTIONS 2-6-1102, 2-15-116, 2-15-401, 2-17-513, 2-17-603, 2-17-807, 2-17-808, 5-11-222, 5-15-101, 15-30-2191, 15-31-172, 16-4-111, 17-7-502, 20-11-107, 20-15-310, 25-1-1101, 25-1-1111, 25-1-1112, 26-1-802, 27-1-1101, 53-6-101, 53-25-102, 61-8-1016, 76-13-418, 81-2-501, 81-9-201, 81-9-218, AND 81-9-240, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-6-1102, MCA, is amended to read:

"**2-6-1102. Department of administration -- powers and duties.** (1) To ensure compatibility with the information technology ~~[resources]~~ ~~systems~~ *resources* of state government and to promote adherence to records management principles and best practices, the department of administration, in consultation with the secretary of state, shall establish standards for technological compatibility for state agencies for records management equipment or systems used to electronically capture, store, or retrieve public records through computerized, optical, or other electronic methods.

(2) The department of administration, in consultation with the secretary of state, shall approve all acquisitions of executive branch agency records management equipment or systems used to electronically capture, store, or retrieve public records through computerized, optical, or other electronic methods to ensure compatibility with the standards developed under subsection (1).

(3) The department of administration is responsible for the management and operation of equipment, systems, facilities, and processes integral to information technology resources and the state telecommunications network."

Section 2. Section 2-15-116, MCA, is amended to read:

"**2-15-116. State agency employee directory requirement.** (1) Each state agency shall post an employee directory on the agency's website. The link to the directory must be on the main landing page of the agency's website.

(2) (a) Except as provided in ~~[subsection (2)(b)]~~*subsection (2)(b)*, the directory must include the name, title, and a direct phone number and e-mail address issued by the agency for each agency employee whose job responsibilities include regular interactions with the public.

(b) Department heads may exempt from the requirements of subsection (2)(a) persons in safety-sensitive positions.

(3) The directory page must include an organizational chart for the department so members of the public know which department or individual to contact.

(4) The agency shall perform regular checks, at least semiannually, of the directory to ensure that the information is current and accurate. The date of the last update must be posted on the directory page."

Section 3. Section 2-15-401, MCA, is amended to read:

"**2-15-401. Duties of secretary of state -- authority.** (1) In addition to the duties prescribed by the constitution, the secretary of state shall:

(a) attend at every session of the legislature for the purpose of receiving bills and resolutions and to perform other duties as may be devolved on the secretary of state by resolution of the two houses or either of them;

(b) keep a register of and attest the official acts of the governor, including all appointments made by the governor, with date of commission and names of appointees and predecessors;

(c) affix the great seal, with the secretary of state's attestation, to commissions, pardons, and other public instruments to which the official signature of the governor is required;

(d) record in proper books all articles of incorporation filed in the secretary of state's office;

(e) take and file receipts for all books distributed by the secretary of state and direct the county clerk of each county to take and file receipts for all books distributed by the county clerk;

(f) certify to the governor the names of those persons who have received at any election the highest number of votes for any office, the incumbent of which is commissioned by the governor;

(g) furnish, on demand, to any person paying the fees, a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in the secretary of state's office;

(h) keep a fee book in which must be entered all fees, commissions, and compensation earned, collected, or charged, with the date, name of payer, paid or unpaid, and the nature of the service in each case, which must be verified annually by the secretary of state's affidavit entered in the fee book;

(i) file in the secretary of state's office descriptions of seals in use by the different state officers;

(j) discharge the duties of a member of the board of examiners and of the board of land commissioners and all other duties required by law;

(k) register marks as provided in Title 30, chapter 13, part 3;

(l) report to the legislature in accordance with 5-11-210 all watercourse name changes received pursuant to 85-2-134 for publication in the Laws of Montana;

(m) keep a register of all applications for pardon or for commutation of any sentence, with a list of the official signatures and recommendations in favor of each application;

(n) establish and maintain a central filing system that complies with the requirements of a central filing system pursuant to 7 U.S.C. 1631 and use the information in the central filing system for the purposes of 7 U.S.C. 1631.

(2) The secretary of state may:

(a) develop and implement a statewide electronic filing system as described in 2-15-404; and

(b) adopt rules for the effective administration of the secretary of state's duties relating to the Montana Administrative Procedure Act established in Title 2, chapter 4.

(3) (a) Except for a cooperative organized and incorporated to do business under Title 35, chapter 15, 16, 17, or 18, or filed under 30-10-105, the secretary of state may not accept a filing from a person using the term "cooperative" or a derivative of the term "cooperative" to register:

(i) an assumed business name pursuant to 30-13-202;

(ii) a nonprofit corporation pursuant to 35-2-119;

(iii) a limited liability corporation pursuant to 35-8-205;

(iv) a partnership pursuant to 35-10-113;

(v) a limited partnership pursuant to 35-12-511; or

(vi) a corporation pursuant to 35-14-120.

(b) A person using the term "cooperative" to register with the secretary of state in violation of subsection (3)(a) shall be fined not less than $50 or more than $1,000.

(4) ~~[Subsection (3)]~~ *Subsection (3)* does not apply to an entity formed prior to October 1, 2023."

Section 4. Section 2-17-513, MCA, is amended to read:

"**2-17-513. Duties of board.** The board shall:

(1) provide a forum to:

(a) guide state agencies, the legislative branch, the judicial branch, and local governments in the development and deployment of intergovernmental information technology resources;

(b) share information among state agencies, local governments, and federal agencies regarding the development of information technology resources;

(2) advise the department:

(a) in the development of cooperative contracts for the purchase of information technology resources;

(b) regarding the creation, management, and administration of digital government services and information on the internet;

(c) regarding the administration of digital government services contracts;

(d) on the priority of government services to be provided digitally;

(e) on convenience fees prescribed in 2-17-1102 and 2-17-1103, if needed, for digital government services; and

(f) on any other aspect of providing digital government services;

(3) review and advise the department on:

(a) statewide information technology policies, framework, controls, standards, procedures, and guidelines;

(b) the state strategic information technology plan;

(c) major information technology budget requests;

(d) rates and other charges for services established by the department as provided in 2-17-512(1)(r);

(e) requests for exceptions as provided for in 2-17-515;

(f) notification of proposed exemptions by the university system and office of public instruction as provided for in 2-17-516;

(g) action taken by the department as provided in 2-17-514(1) for any activity that is not in compliance with this part;

(h) the implementation of major information technology projects and advise the respective governing authority of any issue of concern to the board relating to implementation of the project; and

(i) financial reports, management reports, and other data as requested by the department;

(4) study state government's present and future information technology needs and advise the department on the use of emerging technology in state government;

(5) request information and reports that it considers necessary from any entity using or having access to the state telecommunications network or information technology resources;

(6) assist in identifying, evaluating, and prioritizing potential departmental and interagency digital government services;

(7) serve as a central coordination point for digital government services provided by the department and other state agencies;

(8) study, propose, develop, or coordinate any other activity in furtherance of digital government services as requested by the governor or the legislature; and

(9) prepare and submit to the state administration and veterans' affairs interim committee in accordance with 5-11-210 a report including but not necessarily limited to a summary of the board's activities, a review of the ~~[digital]~~ *digital* government program established under part 11 of this chapter, and any key findings and recommendations that the board presented to the department."

Section 5. Section 2-17-603, MCA, is amended to read:

"**2-17-603. Government competition with private internet services providers prohibited -- exceptions.** (1) Except as provided in subsection (2)(a) or (2)(b), an agency or political subdivision of the state may not directly or through another agency or political subdivision be an internet services provider.

(2) (a) An agency or political subdivision may act as an internet services provider if:

(i) no private internet services provider is available within the jurisdiction served by the agency or political subdivision; or

(ii) the agency or political subdivision provided services prior to July 1, 2001.

(b) An agency or political subdivision may act as an internet services provider when providing advanced services that are not otherwise available from a private internet services provider within the jurisdiction served by the agency or political subdivision.

(c) If a private internet services provider elects to provide internet services in a jurisdiction where an agency or political subdivision is providing internet services, the private internet services provider shall inform the agency or the political subdivision in writing at least 30 days in advance of offering internet services.

(3) Upon receiving notice pursuant to subsection (2)(c), the agency or political subdivision shall notify its subscribers within 30 days of the intent of the private internet services provider to begin providing internet services and may choose to discontinue providing internet services within 180 days of the notice.

(4) Nothing in this section may be construed to prohibit an agency or political subdivision from:

(a) offering ~~[digital]~~ *digital* government services to the general public;

(b) acquiring access to the internet from a private internet services provider in order to offer ~~[digital]~~ *digital* government services to the general public; or

(c) providing funding to private broadband service providers for broadband service infrastructure projects; or

(d) providing network infrastructure within the contiguous campus of the agency or political subdivision."

Section 6. Section 2-17-807, MCA, is amended to read:

"**2-17-807. Approval for displays and naming buildings, spaces, and rooms.** (1) A state building, space, or room in the capitol complex may not be named after an individual or a bust, plaque, statue, memorial, monument, or art display may not be displayed on a long-term basis in the capitol complex or on the capitol complex grounds unless the building, space, or room name or display is approved by the legislature and complies with this part. The capitol building, including any future additions and expansions, may not be named after any person, as defined in 2-4-102.

(2) (a) Except as provided in subsections (2)(b) through (2)(j), a state building, space, or room in the capitol complex may not be named after an individual or a bust, plaque, statue, memorial, monument, or art display commemorating an individual may not be displayed on a long-term basis in the capitol complex unless the individual has been deceased for at least 10 years.

(b) The statue of Mike and Maureen Mansfield authorized in 2-17-808(1)(d)(iii) and the plaque commemorating President George H. W. Bush authorized in 2-17-808(2)(b)(ii) may continue to be displayed in the capitol complex.

(c) Except as provided in subsection (2)(f), a public building within the capitol complex constructed with private funds after April 17, 2007, or a space or room constructed with private funds after April 17, 2007, in a public building, other than the capitol building, may bear a name designated by the benefactor of the building, space, or room if:

(i) the building, space, or room is to be owned by or used exclusively or primarily by the Montana historical society to store or display artifacts or other property owned by the Montana historical society; and

(ii) the building, space, or room and the designated name are approved by the council and by the board of the historical society, provided for in 2-15-1512.

(d) The classroom building authorized in May 2007 to be built at the Montana law enforcement academy may be named after Karl Ohs, and a plaque and the Lou Peters award commemorating Karl Ohs may be displayed there.

(e) The justice building located at 215 north Sanders in Helena must be named after Joseph P. Mazurek, and a plaque and memorial commemorating him may be displayed on the capitol complex grounds.

(f) The Montana heritage center must be named after Betty Babcock, and a plaque commemorating her must be displayed there.

(g) The statue ~~or bust~~ of Judy Martz authorized in 2-17-808(2)(f) may continue to be displayed in the capitol or on the grounds immediately surrounding the capitol.

(h) The bust commemorating Thomas Carter authorized in 2-17-808(1)(l) may be displayed in the capitol.

(i) A plaque commemorating Charles S. Johnson, Montana's longest-serving statehouse reporter, may be placed in a state capitol complex building or on the grounds of the state capitol complex.

(j) The offices of the secretary of the senate, room 302, must be named the Marilyn Miller senate suite, and a plaque commemorating Marilyn Miller must be displayed there.

(k) The memorial honoring organ donors of Montana authorized in 2-17-808(2) may continue to be displayed on the grounds surrounding the capitol.

(3) A bust, plaque, statue, memorial, monument, or art display commemorating an event, including a military event, may not be displayed on a long-term basis in the capitol complex until 10 years after the end of the event.

(4) All busts, plaques, statues, memorials, monuments, or art displays authorized, but not installed within 5 years of authorization, must be reauthorized.

(5) The department of administration may review and approve the temporary display of a bust, plaque, statue, memorial, monument, or art display for up to 1 year in the capitol complex or on the capitol complex grounds. (Subsection (2)(g) void on occurrence of contingency--sec. 4, Ch. 164, L. 2019; subsection (2)(h) void on occurrence of contingency--sec. 5, Ch. 637, L. 2023; subsection

(2)(i) void on occurrence of contingency--sec. 5, Ch. 737, L. 2023; subsection (2)(k) void on occurrence of contingency--sec. 5, Ch. 211, L. 2023.)"

Section 7. Section 2-17-808, MCA, is amended to read:

"**2-17-808. Placement of certain busts, plaques, statues, memorials, monuments, and art displays.** (1) The following busts, plaques, statues, memorials, monuments, and art displays are to be placed for up to 50 years, subject to renewal, in the capitol:

(a) the busts of Thomas J. Walsh, Burton K. Wheeler, and Joseph Dixon;

(b) the plaques commemorating Theodore Brantley, Fred Whiteside, the first Montana volunteers who fought in the Spanish-American War, the construction of the capitol from 1899 to 1902, the 1972 Montana constitutional convention, and the women legislators' centennial;

(c) the murals by Edgar S. Paxson, Ralph E. DeCamp, Charles M. Russell, Amedee Joullin, and F. Pedretti and sons;

(d) the statues of:

(i) Wilbur Fiske Sanders;

(ii) Jeannette Rankin; and

(iii) Mike and Maureen Mansfield;

(e) the Montana statehood centennial bell;

(f) the gallery of outstanding Montanans;

(g) the Montana constitutional exhibit;

(h) the biographical descriptions of Montana's governors, to be placed near the portraits of the governors;

(i) a plaque commemorating former representative Francis Bardanouve and lettering naming the first floor of the east wing of the capitol in honor of Francis Bardanouve;

(j) a mural honoring the historical contributions of women as community builders;

(k) a plaque commemorating former secretary of the senate Marilyn Miller and lettering naming the offices of the secretary of the senate, room 302 of the capitol, the Marilyn Miller senate suite; and

(l) a bust commemorating Thomas Carter, who served as the last territorial congressional delegate, the first United States representative, and a United States senator for the state.

(2) The following busts, plaques, statues, memorials, monuments, and art displays are to be placed for up to 50 years, subject to renewal, on the grounds of the capitol:

(a) the statues of Thomas Francis Meagher and Lady Liberty;

(b) the plaques commemorating:

(i) Donald Nutter;

(ii) President George H. W. Bush; and

(iii) American prisoners of war and personnel of the United States armed services missing in action;

(c) two benches with plaques recognizing contributors to the 1997-2000 capitol restoration, repair, and renovation project;

(d) the Montana centennial square;

(e) the monument of the ten commandments;

(f) a statue ~~or bust~~ commemorating Judy Martz, Montana's first woman governor; and

(g) a memorial honoring organ donors of Montana, encouraging individuals to register as donors, and providing a contemplative space to serve as a symbol of hope for those who are waiting for an organ transplant.

(3) The following busts, plaques, statues, memorials, monuments, and art displays are to be placed for up to 50 years, subject to renewal, on the capitol complex grounds:

(a) the statue by Robert Scriver entitled "symbol of the pros";

(b) the monuments to the liberty bell, the veterans' and pioneer memorial building--landscape beautification project, Montana veterans, Pearl Harbor survivors, and the peace pole;

(c) the sculptures of the herd bull and the eagle;

(d) the plaques commemorating the Montana national guard and Lewis and Clark; and

(e) the arrastra.

(4) The following busts, plaques, statues, memorials, monuments, and art displays are to be placed for up to 50 years, subject to renewal, in state buildings on the capitol complex:

(a) the paintings of Dr. W. F. Cogswell and the paintings entitled "burning bush", "dryland farmer", "farm girl", "the river rat", "top of the world", "angus #68", "the source", "the Bozeman trail", and "the Mullan road";

(b) the art displays known as "Montana workers--mining, ranching, and building", "copper city rodeo", "dancing cascade", "save a piece of the sky", and "night light";

(c) the plaque commemorating Walt Sullivan, the plaque of the Sam W. Mitchell building, and the plaque commemorating the original headquarters of the Montana highway patrol;

(d) the busts of Lee Metcalf and Sam W. Mitchell;

(e) the plaque and Lou Peters award commemorating Karl Ohs;

(f) the plaque and memorial commemorating Joseph P. Mazurek; and

(g) the plaque commemorating Charles S. Johnson.

(5) The senate sculpture depicting the Lewis and Clark expedition is to be placed for up to 50 years, subject to renewal, on the west wall in the senate chambers.

(6) The council shall determine the specific placement of the items identified in subsections (1) through (4). (Subsection (2)(f) void on occurrence of contingency--sec. 4, Ch. 164, L. 2019; subsection (2)(g) void on occurrence of contingency--sec. 5, Ch. 211, L. 2023; subsection (1)(l) void on occurrence of contingency--sec. 5, Ch. 637, L. 2023; subsection (4)(g) void on occurrence of contingency--sec. 5, Ch. 737, L. 2023.)"

Section 8. Section 5-11-222, MCA, is amended to read:

"**5-11-222. Reports to legislature.** (1) (a) Except as provided in subsections (1)(b) and (5), a report to the legislature means a biennial report required by the legislature and filed in accordance with 5-11-210 on or before September 1 of each year preceding the convening of a regular session of the legislature.

(b) If otherwise specified in law, a report may be required more or less frequently than the biennial requirement in subsection (1)(a).

(2) Reports to the legislature include:

(a) annual reports on the unified investment program for public funds and public retirement systems and state compensation insurance fund assets audits from the board of investments in accordance with Article VIII, section 13, of the Montana constitution;

(b) federal mandates requirements from the governor in accordance with 2-1-407;

(c) activities of the state records committee in accordance with 2-6-1108;

(d) revenue studies from the director of revenue, if requested, in accordance with 2-7-104;

(e) legislative audit reports from the legislative audit division in accordance with 2-8-112 and 23-7-410;

(f) the annual performance report of each department to the appropriate interim budget committee and legislative policy interim committee in accordance with 2-12-105;

(g) progress on gender and racial balance from the governor in accordance with 2-15-108;

(h) a mental health report from the ombudsman in accordance with 2-15-210;

(i) policies related to children and families from the interagency coordinating council for state prevention in accordance with 2-15-225;

(j) watercourse name changes, if any, from the secretary of state in accordance with 2-15-401;

(k) results of programs established in 2-15-3111 through 2-15-3113 from the livestock loss board in accordance with 2-15-3113;

(l) the allocation of space report from the department of administration required in accordance with 2-17-101;

(m) information technology activities in accordance with 2-17-512;

(n) state strategic information technology plan exceptions, if granted, from the department of administration in accordance with 2-17-515;

(o) the state strategic information technology plan and biennial report from the department of administration in accordance with 2-17-521 and 2-17-522;

(p) reports from standing, interim, and administrative committees, if prepared, in accordance with 2-17-825 and 5-5-216;

(q) statistical and other data related to business transacted by the courts from the court administrator, if requested, in accordance with 3-1-702;

(r) the judicial standards commission report in accordance with 3-1-1126;

(s) an annual report on the actual cost of legislation that had a projected fiscal impact from the office of budget and program planning in accordance with 5-4-208;

(t) a link to annual state agency reports on grants awarded in the previous fiscal year established by the legislative finance committee in accordance with 5-12-208;

(u) reports prepared by the legislative fiscal analyst, and as determined by the analyst, in accordance with 5-12-302(4);

(v) a report, if necessary, on administrative policies or rules adopted under 5-11-105 that may impair the independence of the legislative audit division in accordance with 5-13-305;

(w) if a waste of state resources occurs, a report from the legislative state auditor, in accordance with 5-13-311;

(x) school funding commission reports each fifth interim in accordance with 5-20-301;

(y) a report of political committee operations conducted on state-owned property, if required, from a political committee to the legislative services division in accordance with 13-37-404;

(z) a report concerning taxable value from the department of revenue in accordance with 15-1-205;

(aa) a report on tax credits from the revenue interim committee in accordance with 15-30-2303;

(bb) semiannual reports on the Montana heritage preservation and development account from the Montana heritage preservation and development commission in accordance with 15-65-121;

(cc) general marijuana regulation reports and medical marijuana registry reports from the department of revenue in accordance with 16-12-110;

(dd) annual reports on general fund and nongeneral fund encumbrances from the department of administration in accordance with 17-1-102;

(ee) loans or loan extensions authorized for two consecutive fiscal years from the department of administration and office of commissioner of higher education, including negative cash balances from the commissioner of higher education, in accordance with 17-2-107;

(ff) a report of local government entities that have balances contrary to limitations provided for in 17-2-302 or that failed to reduce the charge from the department of administration in accordance with 17-2-304;

(gg) an annual report from the board of investments in accordance with 17-5-1650(2);

(hh) a quarterly report from the office of budget and program planning to the legislative finance committee identifying the amount and the type of debt payoff or other expenditure from the debt and liability free account in accordance with 17-6-214;

(ii) a report on retirement system trust investments and benefits from the board of investments in accordance with 17-6-230;

(jj) recommendations for reductions in spending and related analysis, if required, from the office of budget and program planning in accordance with 17-7-140;

(kk) a statewide facility inventory and condition assessment from the department of administration in accordance with 17-7-202;

(ll) actuary reports and investigations for public retirement systems from the public employees' retirement board in accordance with 19-2-405;

(mm) a work report from the public employees' retirement board in accordance with 19-2-407;

(nn) annual actuarial reports and evaluations from the teachers' retirement board in accordance with 19-20-201;

(oo) reports from the state director of K-12 career and vocational and technical education, as requested, in accordance with 20-7-308;

(pp) 5-year state plan for career and technical education reports from the board of regents in accordance with 20-7-330;

(qq) a gifted and talented students report from the office of public instruction in accordance with 20-7-904;

(rr) status changes for at-risk students from the office of public instruction in accordance with 20-9-328;

(ss) status changes for American Indian students from the office of public instruction in accordance with 20-9-330;

(tt) reports regarding the Montana Indian language preservation program from the office of public instruction in accordance with 20-9-537;

(uu) proposals for funding community colleges from the board of regents in accordance with 20-15-309;

(vv) expenditures and activities of the Montana agricultural experiment station and extension service, as requested, in accordance with 20-25-236;

(ww) reports, if requested by the legislature, from the president of each of the units of the higher education system in accordance with 20-25-305;

(xx) reports, if prepared by a public postsecondary institution, regarding free expression activities on campus in accordance with 20-25-1506;

(yy) reports from the Montana historical society trustees in accordance with 22-3-107;

(zz) state lottery reports in accordance with 23-7-202;

(aaa) state fund reports, if required, from the commissioner in accordance with 33-1-115;

(bbb) reports from the department of labor and industry in accordance with 39-6-101;

(ccc) victim unemployment benefits reports from the department of labor and industry in accordance with 39-51-2111;

(ddd) state fund business reports in accordance with 39-71-2363;

(eee) risk-based capital reports, if required, from the state fund in accordance with 39-71-2375;

(fff) child custody reports from the office of the court administrator in accordance with 41-3-1004;

(ggg) reports of remission of fine or forfeiture, respite, commutation, or pardon granted from the governor in accordance with 46-23-316;

(hhh) annual statewide public defender reports from the office of state public defender in accordance with 47-1-125;

(iii) a trauma care system report from the department of public health and human services in accordance with 50-6-402;

(jjj) an annual report on chemical abortion data from the department of public health and human services in accordance with 50-20-709;

(kkk) Montana criminal justice oversight council reports in accordance with 53-1-216;

(lll) medicaid block grant reports from the department of public health and human services in accordance with 53-1-611;

(mmm) reports on the approval and implementation status of medicaid section 1115 waivers in accordance with 53-2-215;

(nnn) provider rate, medicaid waiver, or medicaid state plan change reports from the department of public health and human services in accordance with 53-6-101;

(ooo) medicaid funding reports from the department of public health and human services in accordance with 53-6-110;

(ppp) proposals regarding managed care for medicaid recipients, if required, from the department of public health and human services in accordance with 53-6-116;

(qqq) reports on toxicology and prescription drug registry information from the suicide prevention officer in accordance with 53-21-1101;

(rrr) suicide reduction plans from the department of public health and human services in accordance with 53-21-1102;

(sss) annual compliance reports from certifying organizations to the criminal justice oversight council in accordance with 53-24-311;

(ttt) a compliance and inspection report from the department of corrections in accordance with 53-30-604;

(uuu) emergency medical services grants from the department of transportation in accordance with 61-2-109;

(vvv) annual financial reports on the environmental contingency account from the department of environmental quality in accordance with 75-1-1101;

(www) a report from the land board, if prepared, in accordance with 76-12-109;

(xxx) an annual state trust land report from the land board in accordance with 77-1-223;

(yyy) a noxious plant report, if prepared, from the department of agriculture in accordance with 80-7-713;

(zzz) state water plans from the department of natural resources and conservation in accordance with 85-1-203;

(aaaa) reports on the allocation of renewable resources grants and loans for emergencies, if required, from the department of natural resources and conservation in accordance with 85-1-605;

(bbbb) water storage projects from the governor's office in accordance with 85-1-704;

(cccc) upper Clark Fork River basin steering committee reports, if prepared, in accordance with 85-2-338;

(dddd) upland game bird enhancement program reports in accordance with 87-1-250;

(eeee) private land/public wildlife advisory committee reports in accordance with 87-1-269;

(ffff) a future fisheries improvement program report from the department of fish, wildlife, and parks in accordance with 87-1-272;

(gggg) license revenue recommendations from the department of fish, wildlife, and parks in accordance with 87-1-629;

(hhhh) reports from the department of fish, wildlife, and parks on conservation licenses sold and revenue received in accordance with 87-2-201;

(iiii) hydrocarbon and geology investigation reports from the bureau of mines and geology in accordance with 90-2-201;

(jjjj) coal ash markets investigation reports from the department of commerce in accordance with 90-2-202;

(kkkk) an annual report from the pacific northwest electric power and conservation planning council in accordance with 90-4-403;

(llll) community property-assessed capital enhancements program reports from the Montana facility finance authority in accordance with 90-4-1303;

(mmmm) veterans' home loan mortgage loan reports from the board of housing in accordance with 90-6-604;

(nnnn) matching infrastructure planning grant awards by the department of commerce in accordance with 90-6-703(3); and

(oooo) Montana coal endowment program reports from the department of commerce in accordance with 90-6-710.

(3) Reports to the legislature include reports made to an interim committee as follows:

(a) reports to the law and justice interim committee, including:

(i) a report on fentanyl-related mandatory minimums from the attorney general in accordance with 2-15-505;

(ii) findings of the domestic violence fatality review commission in accordance with 2-15-2017;

~~(iii) the report from the missing indigenous persons review commission in accordance with 2-15-2018;~~

~~(iv) reports from the department of justice and public safety officer standards and training council in accordance with 2-15-2029;~~

~~(v)~~*(iii)* reports on district court judge caseload and substitutions from the office of court administrator in accordance with 3-1-713;

~~(vi)~~*(iv)* information on the Montana False Claims Act from the department of justice in accordance with 17-8-416;

~~(vii)~~*(v)* annual case status reports from the attorney general in accordance with 41-3-210;

~~(viii)~~*(vi)* an annual report from the department of public health and human services on the number of referrals to county attorneys pursuant to 41-3-202(1)(b)(i) in accordance with 41-3-211;

~~(ix)~~*(vii)* office of court administrator reports in accordance with 41-5-2003;

~~(x)~~*(viii)* reports on pending investigations from the public safety officer standards and training council in accordance with 44-4-408;

~~(xi)~~*(ix)* statewide public safety communications system activities from the department of justice in accordance with 44-4-1606;

~~(xii)~~*(x)* the annual report on the activities of the sexual assault response network program and the sexual assault response team committee from the department of justice in accordance with 44-4-1705;

~~(xiii)~~*(xi)* reports on the status of the crisis intervention team training program from the board of crime control in accordance with 44-7-110;

~~(xiv)~~*(xii)* restorative justice grant program status and performance from the board of crime control in accordance with 44-7-302;

~~(xv)~~*(xiii)* law enforcement agency facial recognition technology use reports from the department of justice in accordance with 44-15-111(3);

~~(xvi)~~*(xiv)* reports on third-party vendors providing facial recognition services to state agencies reports in accordance with 44-15-111(4)(b);

~~(xvii)~~*(xv)* reports on offenders under supervision with new offenses or violations from the department of corrections in accordance with 46-23-1016;

~~(xviii)~~*(xvi)* supervision responses grid reports from the department of corrections in accordance with 46-23-1028;

~~(xix)~~*(xvii)* statewide public defender reports and information from the office of state public defender in accordance with 47-1-125;

~~(xx)~~*(xviii)* every 5 years, a percentage change in public defender funding report from the legislative fiscal analyst in accordance with 47-1-125;

~~(xxi)~~*(xix)* every 5 years, statewide public defender reports on the percentage change in funding from the office of state public defender in accordance with 47-1-125; and

~~(xxii)~~*(xx)* a report from the quality assurance unit from the department of corrections in accordance with 53-1-211;

(b) reports to the state administration and veterans' affairs interim committee, including:

(i) a report that includes information technology activities and additional information from the information technology board in accordance with 2-17-512 and 2-17-513;

(ii) a report from the capitol complex advisory council in accordance with 2-17-804;

(iii) a report on the employee incentive award program from the department of administration in accordance with 2-18-1103;

(iv) a board of veterans' affairs report in accordance with 10-2-102;

(v) a report on the decennial veterans' long-term care needs study from the department of public health and human services and the Montana veterans' affairs division in accordance with 10-2-903;

(vi) a report on grants to the Montana civil air patrol from the department of military affairs in accordance with 10-3-802;

(vii) annual reports on statewide election security from the secretary of state in accordance with 13-1-205;

(viii) reports on money received in the special account for implementing the Help America Vote Act from the secretary of state in accordance with 13-1-209;

(ix) a report regarding the youth voting program, if requested, from the secretary of state in accordance with 13-22-108;

(x) a report from the commissioner of political practices in accordance with 13-37-120;

(xi) a report on retirement system trust investments from the board of investments in accordance with 17-6-230;

(xii) actuarial valuations and other reports from the public employees' retirement board in accordance with 19-2-405 and 19-3-117;

(xiii) actuarial valuations and other reports from the teachers' retirement board in accordance with 19-20-201 and 19-20-216;

(xiv) a report on the reemployment of retired members of the teachers' retirement system from the teachers' retirement board in accordance with 19-20-732; and

(xv) changes, if any, affecting filing-office rules under the Uniform Commercial Code from the secretary of state in accordance with 30-9A-527;

(c) reports to the children, families, health, and human services interim committee, including:

(i) a report from the department of public health and human services on the programs, grants, and services funded under the healing and ending addiction through recovery and treatment account in 16-12-122;

(ii) Montana foster youth higher education assistance program grant reports from the commissioner of higher education in accordance with 20-26-633;

(iii) prescription drug registry reports from the board of pharmacy in accordance with 37-7-1514;

(iv) Montana HELP Act workforce development reports from the department of public health and human services in accordance with 39-12-103;

(v) reports from the department of public health and human services on the department's efforts regarding the volunteer program to support child protective services activities in accordance with 41-3-132;

(vi) annual reports from the child and family ombudsman in accordance with 41-3-1211;

(vii) reports on activities and recommendations on child protective services activities, if required, from the child and family ombudsman in accordance with 41-3-1215;

(viii) reports on the out-of-state placement of high-risk children with multiagency service needs from the department of public health and human services in accordance with 52-2-311;

(ix) private alternative adolescent residential and outdoor programs reports from the department of public health and human services in accordance with 52-2-803;

(x) provider rate, medicaid waiver, or medicaid state plan change reports from the department of public health and human services in accordance with 53-6-101;

(xi) a report from the department of public health and human services on home and community-based services provider information in 53-6-406;

(xii) a report concerning mental health managed care services, if managed care is in place, from the advisory council in accordance with 53-6-710;

(xiii) quarterly medicaid reports related to expansion from the department of public health and human services in accordance with 53-6-1325;

(xiv) annual Montana developmental center reports from the department of public health and human services in accordance with 53-20-225; and

(xv) annual children's mental health outcomes from the department of public health and human services in accordance with 53-21-508;

(xvi) suicide reduction plans from the department of public health and human services in accordance with 53-21-1102;

(d) reports to the economic affairs interim committee, including:

(i) the annual state compensation insurance fund budget from the board of directors in accordance with 5-5-223 and 39-71-2363;

(ii) medical marijuana registry reports from the department of revenue in accordance with 16-12-110;

(iii) general marijuana regulation reports from the department of revenue in accordance with 16-12-110(3);

(iv) annual reports on complaints against physicians certifying medical marijuana use from the board of medical examiners in accordance with 16-12-110(6);

(v) an annual report on the administrative rate required from the department of commerce from the Montana heritage preservation and development commission in accordance with 22-3-1002;

(vi) biennial reports from the department of labor and industry on weighing device license fees and cost increases in accordance with 30-12-203;

(vii) state fund reports from the insurance commissioner, if required, in accordance with 33-1-115;

(viii) risk-based capital reports, if required, from the state fund in accordance with 33-1-115 and 39-71-2375;

(ix) annual reinsurance reports from the Montana reinsurance association board required in accordance with 33-22-1308;

(x) reports from the department of labor and industry concerning board attendance in accordance with 37-1-107;

(xi) annual reports on physician complaints related to medical marijuana from the board of medical examiners in accordance with 37-3-203;

(xii) prescription drug registry reports from the board of pharmacy in accordance with 37-7-1514;

(xiii) status reports on the special revenue account and fees charged as a funding source from the board of funeral service in accordance with 37-19-204;

(xiv) unemployment insurance program integrity act reports from the department of labor and industry in accordance with 39-51-706;

(xv) law enforcement agency facial recognition technology use reports from the department of justice in accordance with 44-15-111(3);

(xvi) reports on third-party vendors providing facial recognition services to state agencies reports in accordance with 44-15-111(4)(b);

(xvii) status reports on the distressed wood products industry revolving loan program from the department of commerce in accordance with 90-1-503;

(e) reports to the education interim committee, including:

(i) reemployment of retired teachers, specialists, and administrators reports from the retirement board in accordance with 19-20-732;

(ii) a report on participation in the interstate compact on educational opportunity for military children in accordance with 20-1-231;

(iii) grow your own grant program reports from the commissioner of higher education in accordance with 20-4-601;

(iv) reports on out-of-district attendance from the superintendent of public instruction in accordance with 20-5-324;

(v) reports from the education and workforce data governing board in accordance with 20-7-138;

(vi) state-level strengthening career and technical student organizations program reports from the superintendent of public instruction in accordance with 20-7-320;

(vii) a report from the superintendent of public instruction concerning educational programs for eligible children receiving in-state inpatient treatment of serious emotional disturbances in accordance with 20-7-435;

(viii) reports from the Montana digital academy governing board in accordance with 20-7-1201;

(ix) advanced opportunity program reports from the board of public education in accordance with 20-7-1506;

(x) progress on transformational learning plans from the board of public education in accordance with 20-7-1602;

(xi) reports on early literacy targeted interventions from the superintendent of public instruction in accordance with 20-7-1804;

(xii) budget amendments, if needed, from school districts in accordance with 20-9-161;

(xiii) reports regarding the Montana Indian language preservation program from the office of public instruction in accordance with 20-9-537;

(xiv) annual Montana resident student financial aid program reports from the commissioner of higher education in accordance with 20-26-105;

(xv) Montana foster youth higher education assistance program grant reports from the commissioner of higher education in accordance with 20-26-633;

(xvi) a historic preservation office report from the historic preservation officer in accordance with 22-3-423; and

(xvii) interdisciplinary child information agreement reports from the office of public instruction in accordance with 52-2-211;

(f) reports to the energy and telecommunications interim committee, including:

(i) a report from the state library on GIS readiness in Montana as it pertains to next-generation 9-1-1 GIS in accordance with 10-4-310;

~~(i)~~*(ii)* the high-performance building report from the department of administration in accordance with 17-7-214;

~~(ii)~~*(iii)* an annual report from the consumer counsel in accordance with 69-1-222;

~~(iii)~~*(iv)* annual universal system benefits reports from utilities, electric cooperatives, and the department of revenue in accordance with 69-8-402;

~~(iv)~~*(v)* small-scale hydroelectric power generation reports from the department of natural resources and conservation in accordance with 85-1-501; and

~~(v)~~*(vi)* geothermal reports from the Montana bureau of mines and geology in accordance with 90-3-1301;

(g) reports to the revenue interim committee, including:

(i) use of the qualified endowment tax credit report from the department of revenue in accordance with 15-1-230;

(ii) tax rates for the upcoming reappraisal cycle from the department of revenue in accordance with 15-7-111;

(iii) information about job growth incentive tax credits from the department of revenue in accordance with 15-30-2361;

(iv) student scholarship contributions from the department of revenue in accordance with 15-30-3112;

(v) media production tax credit economic impact reports from the department of commerce in accordance with 15-31-1011; ~~and~~

(vi) biennial forest lands taxation advisory committee reports in accordance with 15-44-103; and

~~(vi)~~*(vii)* reports that actual or projected receipts will result in less revenue than estimated from the office of budget and program planning, if necessary, in accordance with 17-7-140;

(h) reports to the transportation interim committee, including:

(i) biodiesel tax refunds from the department of transportation in accordance with 15-70-433;

(ii) cooperative agreement negotiations from the department of transportation in accordance with 15-70-450; and

(iii) a special fuels inspection report from the department of transportation in accordance with 61-10-154;

(i) reports to the environmental quality council, including:

(i) compliance and enforcement reports required in accordance with 75-1-314;

(ii) the state solid waste management and resource recovery plan, every 5 years, from the department of environmental quality in accordance with 75-10-111;

(iii) annual orphan share reports from the department of environmental quality in accordance with 75-10-743;

(iv) Libby asbestos superfund oversight committee reports in accordance with 75-10-1601;

(v) annual subdivision sanitation reports from the department of environmental quality in accordance with 76-4-116;

(vi) quarterly reports from the department of environmental quality on the number and percentage of overdue files in accordance with 76-4-116;

(vii) state trust land accessibility reports from the department of natural resources and conservation in accordance with 77-1-820;

(viii) biennial land banking reports and annual state land cabin and home site sales reports from the department of natural resources and conservation in accordance with 77-2-366;

(ix) biennially invasive species reports from the departments of fish, wildlife, and parks and natural resources and conservation in accordance with 80-7-1006;

(x) annual invasive species council reports in accordance with 80-7-1203;

(xi) sand and gravel reports, if an investigation is completed, in accordance with 82-2-701;

(xii) reports from the western Montana conservation commission in accordance with 85-1-904;

(xiii) annual sage grouse population reports from the department of fish, wildlife, and parks in accordance with 87-1-201;

(xiv) annual gray wolf management reports from the department of fish, wildlife, and parks in accordance with 87-1-901;

(xv) biennial Tendoy Mountain sheep herd reports from the department of fish, wildlife, and parks in accordance with 87-2-702;

(xvi) wildlife habitat improvement project reports from the department of fish, wildlife, and parks in accordance with 87-5-807; and

(xvii) annual sage grouse oversight team activities and staffing reports in accordance with 87-5-918;

(j) reports to the water policy interim committee, including:

(i) drought and water supply advisory committee reports in accordance with 2-15-3308;

(ii) total maximum daily load reports from the department of environmental quality in accordance with 75-5-703;

(iii) state water plans from the department of natural resources and conservation in accordance with 85-1-203;

(iv) small-scale hydroelectric power generation reports from the department of natural resources and conservation in accordance with 85-1-501;

(v) renewable resource grant and loan program reports from the department of natural resources and conservation in accordance with 85-1-621;

(vi) reports from the western Montana conservation commission in accordance with 85-1-904;

(vii) quarterly adjudication reports from the department of natural resources and conservation and the water court in accordance with 85-2-281;

(viii) water reservation reports from the department of natural resources and conservation in accordance with 85-2-316;

(ix) instream flow reports from the department of fish, wildlife, and parks in accordance with 85-2-436; ~~and~~

(x) ground water investigation program reports from the bureau of mines and geology in accordance with 85-2-525; *and*

(xi) biennial reports on forest service applications for state water reservations from the department of natural resources and conservation in accordance with 85-20-1401;

(k) reports to the local government interim committee, including:

(i) reports from the local government center on petitions received that resulted in the development and delivery of training in accordance with 7-1-206;

(ii) biennial reports on experimental wastewater system component review from the department of environmental quality in accordance with 76-4-104;

~~(ii)~~*(iii)* sand and gravel, if an investigation is completed, in accordance with 82-2-701;

~~(iii)~~*(iv)* assistance to local governments on federal land management proposals from the department of commerce in accordance with 90-1-182; and

~~(iv)~~*(v)* emergency financial assistance to local government reports from the department of commerce, if requests are made, in accordance with 90-6-703(2);

(l) reports to the state-tribal relations committee, including:

~~(i) reports from the missing indigenous persons review commission in accordance with 2-15-2018;~~

~~(ii)~~*(i)* the Montana Indian language preservation program report from the office of public instruction in accordance with 20-9-537;

~~(iii)~~*(ii)* reports from the missing indigenous persons task force in accordance with 44-2-411;

~~(iv)~~*(iii)* a report from the department of justice on missing persons response team training grants awarded in accordance with 44-2-416;

~~(v)~~*(iv)* state-tribal economic development commission activities reports from the state-tribal economic development commission in accordance with 90-1-132; and

~~(vi)~~*(v)* state-tribal economic development commission reports provided regularly by the state director of Indian affairs in accordance with 90-11-102.

(4) Reports to the legislature include multistate compact and agreement reports, including:

(a) multistate tax compact reports in accordance with 15-1-601;

(b) interstate compact on educational opportunity for military children reports in accordance with 20-1-230 and 20-1-231;

(c) compact for education reports in accordance with 20-2-501;

(d) Western regional higher education compact reports in accordance with 20-25-801;

(e) interstate insurance product regulation compact reports in accordance with 33-39-101;

(f) interstate medical licensure compact reports in accordance with 37-3-356;

(g) interstate compact on juveniles reports in accordance with 41-6-101;

(h) interstate compact for adult offender supervision reports in accordance with 46-23-1115;

(i) vehicle equipment safety compact reports in accordance with 61-2-201;

(j) multistate highway transportation agreement reports in accordance with 61-10-1101; and

(k) western interstate nuclear compact reports in accordance with 90-5-201.

(5) Reports, transfers, statements, assessments, recommendations and changes required under 17-7-138, 17-7-139, 17-7-140, 19-2-405, 19-2-407, 19-3-117, 19-20-201, 19-20-216, 23-7-202, 33-1-115, and 39-71-2375 must be

provided as soon as the report is published and publicly available. Reports required in subsections (2)(a), (2)(gg), (2)(ii), and (3)(b)(xi) must be provided following issuance of reports issued under Title 5, chapter 13."

Section 9. Section 5-15-101, MCA, is amended to read:

"**5-15-101. Legislative consumer committee -- appointment and composition.** (1) There is a legislative consumer committee consisting of:

(a) three members of the senate, two from the majority party and one from the minority party; and

(b) three members of the house of representatives, two from the majority party and one from the minority party.

(2) Members shall be appointed in the same manner as standing committees of the respective houses before the 60th legislative day of the legislative session following the expiration of the terms of the members of the committee. ~~[No more than one of the appointees of each house may be members of the same political party.]~~"

Section 10. Section 15-30-2191, MCA, is amended to read:

"**15-30-2191. (Temporary) Individual income tax rebate.** (1) By December 31, 2023, the department of revenue shall issue, to a qualified taxpayer who incurred individual income tax liability in Montana in 2021, a one-time income tax rebate in an amount equal to the lesser of:

(a) the qualified taxpayer's 2021 individual income tax liability as properly reported on line 20 of the 2021 Montana individual income tax return; or

(b) an amount based on the taxpayer's 2021 filing status, equal to:

(i) for a single taxpayer, a head of household, or a married taxpayer filing a separate return, $1,250; or

(ii) for a married couple filing a joint return, $2,500.

(2) The department may not issue a rebate pursuant to this section that exceeds the taxpayer's individual income tax liability as properly reported on line 20 of the 2021 Montana individual income tax return.

(3) (a) Except as provided in subsection (3)(b), the department shall issue rebates provided for in this section electronically or by mailing a check to the taxpayer's mailing address based on the taxpayer's refund instructions.

(b) A rebate provided for in this section must first be credited against any outstanding liability for which the department withholds a tax refund existing at the time the refund is issued.

(4) As provided in *former* 15-30-2110(2)(u), a rebate provided for in this section is not taxable income.

(5) (a) As used in this section, the term "qualified taxpayer" means an individual who was a resident as defined in 15-30-2101 for the entire income tax year beginning January 1, 2021, and who filed a Montana individual income tax return for income tax years 2020 and 2021 by the due date for filing the return for income tax year 2021, including any extensions authorized pursuant to 15-30-2604(1)(b) and (3), respectively.

(b) The term does not include:

(i) a taxpayer who is a nonresident, as defined in 15-30-2101, who filed tax returns in 2020 or 2021 pursuant to 15-30-2104;

(ii) an individual who was claimed as a dependent by another taxpayer for federal or Montana income tax purposes for the 2021 tax year; or

(iii) a trust.

(6) As used in this section, the term "properly reported" means the amount reported on line 20 of the 2021 Montana individual income tax return filed by the due date for filing that return, including any extensions authorized pursuant to 15-30-2604(1)(b) and (3), or an amended 2021 Montana individual

income tax return filed on or before May 1, 2023. (Terminates December 31, 2025--sec. 9, Ch. 44, L. 2023, sec. 10, Ch. 764, L. 2023.)"

Section 11. Section 15-31-172, MCA, is amended to read:

"**15-31-172. Small business corporation -- deduction for donation of computer equipment to schools.** A small business corporation, as defined in 15-30-3301, is allowed a deduction equal to the fair market value, not to exceed 30% of the small business corporation's net income, of a computer or other sophisticated technological equipment or apparatus intended for use with the computer donated to an elementary, secondary, or accredited postsecondary school located in Montana if:

(1) the contribution is made no later than 5 years after the manufacture of the donated property is substantially completed;

(2) the property is not transferred by the donee in exchange for money, other property, or services;

(3) the electing small business corporation receives a written statement from the donee in which the donee agrees to accept the property and representing that the use and disposition of the property will be in accordance with the provisions of subsection (2); and

(4) the deduction allowed in this section is in lieu of the deduction allowed ~~under 15-30-2131~~ for charitable contributions."

Section 12. Section 16-4-111, MCA, is amended to read:

"**16-4-111. Catering endorsement for beer and wine licensees.** (1) (a) A person who is licensed to sell beer and wine at retail for on-premises consumption may, on the approval of the department, be granted a catering endorsement to the license to allow the catering and sale of beer and wine to persons attending a special event on premises not otherwise licensed for the sale of beer and wine for on-premises consumption. The beer or wine must be consumed on the premises where the event is held.

(b) A person who is licensed pursuant to 16-4-420 to sell beer and wine at retail for on-premises consumption may, on the approval of the department, be granted a catering endorsement to the license to allow the catering and sale of beer and wine to persons attending a special event on premises not otherwise licensed for the sale of beer and wine, along with food equal in cost to 65% of the total gross revenue from the catering contract, for on-premises consumption. The beer or wine must be consumed on the premises where the event is held.

(c) A person licensed under 16-4-105 to sell beer and wine at retail for on-premises consumption at a guest ranch may, on the approval of the department, be granted a guest ranch catering endorsement to the license to allow the catering and sale of beer and wine to guests of the guest ranch for events at locations on the guest ranch other than the licensed premises. These events do not need to be special events. The beer and wine must be consumed where the event is held.

(2) An application for a catering endorsement and an annual fee of $200 must be submitted to the department for its approval.

(3) With the exception of a guest ranch catering endorsement, a licensee who holds a catering endorsement may not cater an event in which the licensee or the concessionaire of the licensee is the sponsor. The catered event must be within 100 miles of the licensee's licensed premises measured in a straight line from the nearest entrance of the licensed premises to the nearest boundary of the catered event.

(4) Except as provided in subsection (8), the storage of alcoholic beverages may occur on the premises of the catered event 1 day prior to the catered event until 1 day following the conclusion of the catered event if the alcoholic

beverages are in a secured location that prevents access by anyone other than the licensee or the licensee's employees.

(5) With the exception of a guest ranch catering endorsement, the licensee shall notify the local law enforcement agency that has jurisdiction over the premises that the catered event is to be held. A local government may charge a fee of $35.

(6) The sale of beer and wine pursuant to a catering endorsement is subject to the provisions of 16-6-103.

(7) The sale of beer and wine pursuant to a catering endorsement is subject to the provisions of 16-3-306, unless entities named in 16-3-306 give their written approval for the on-premises sale of beer and wine on premises where the event is to be held.

(8) A licensee may sell and serve beer and wine in the grandstands and bleacher area of the premises, as well as from a booth, stand, or other fixed ~~placed~~ *place* on the premises when the catered event is held on the premises of a county fairground, public sports arena, or Montana university as defined in 16-4-112. If the licensee has a written agreement with the state of Montana, a political subdivision of the state, or a Montana university to sell and serve beer and wine for multiple catered events at the premises, the licensee may store beer and wine to be used for the catered events on the premises of the fairground, public sports arena, or Montana university for the length of the written agreement if the beer and wine can be stored in a secure location that prevents access by anyone other than the licensee or the licensee's employees. Each catered event held at the premises is subject to the requirement in subsection (5) and must be individually reported to the department.

(9) A licensee may not share revenue from the sale of alcoholic beverages with the sponsor of the catered event unless the sponsor is the state of Montana, a political subdivision of the state, a Montana university as provided in 16-4-112, or a qualified entity under section 501(c) of the Internal Revenue Code, 26 U.S.C. 501(c), as amended."

Section 13. Section 17-7-502, MCA, is amended to read:

"**17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 5-13-404; 7-4-2502; 7-4-2924; 7-32-236; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-316; 10-3-802; 10-3-1304; 10-4-304; 10-4-310; 15-1-121; 15-1-142; 15-1-143; 15-1-218; 15-1-2302; 15-31-165; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-128; 15-70-131; 15-70-132; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-6-214; 17-7-133; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-3-369; 20-7-1709; 20-8-107; 20-9-250; 20-9-534; 20-9-622; ~~[20-15-328];~~ *20-15-328;* 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; [22-3-1004]; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209;

37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-4-1506; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-5-530; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-150; 76-13-151; 76-13-417; 76-17-103; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-2-203; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 87-5-909; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and any costs or fees associated with issuing, paying, securing, redeeming, or defeasing all bonds, notes, or other obligations, as due in the ordinary course or when earlier called for redemption or defeased, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 1, 2, 3, Ch. 139, L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004 terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30, 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; pursuant to sec. 1, Ch. 20, L. 2023, sec. 2, Ch. 20, L. 2023, and sec. 3, Ch. 20, L. 2023, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2029; pursuant to sec. 9, Ch. 44, L. 2023, the inclusion of 15-1-142 terminates December 31, 2025; pursuant to sec. 10, Ch. 47, L. 2023, the inclusion of 15-1-2302 terminates June 30, 2025; pursuant to sec. 2, Ch. 374, L. 2023, the inclusion of 10-3-802 terminates June 30, 2031; pursuant to sec. 12, Ch. 558, L. 2023, the inclusion of 20-9-250 terminates December 31, 2029; pursuant to sec. 4, Ch. 621, L. 2023, the inclusion of 22-1-327 terminates July 1, 2029; pursuant to sec. 24, Ch. 722, L. 2023, the inclusion of 17-7-133 terminates June 30, 2027; pursuant to sec. 10, Ch. 758, L. 2023, the inclusion of 44-4-1506 terminates June 30, 2027; and pursuant to sec. 10, Ch. 764, L. 2023, the inclusion of 15-1-143 terminates December 31, 2025.)"

Section 14. Section 20-11-107, MCA, is amended to read:

"**20-11-107. Authorizers.** (1) The state community choice school commission created under 20-11-106 may authorize choice schools in the state. The commission shall perform the functions of choice school authorizers under this part.

(2) (a) A local school board may apply to the commission for authorizing authority within the boundaries of the traditional school district overseen by the local school board.

(b) If the commission determines that the local school board fulfills the requirements of an authorizer, the commission shall, within 60 days of receipt of a local school board's application, approve the local school board as an authorizer.

(c) On approval, the commission shall register the local school board and shall provide the local school board with a letter confirming its approval as an authorizer.

(3) (a) The commission shall establish the annual application and approval process, including cycles and deadlines during the fiscal year, for local school boards to apply for authorizing authority as set forth in this section.

(b) By March 1 of each year, the commission shall make available information and guidelines for local school boards concerning the opportunity to apply for authorizing authority under this part.

(c) Each interested local school board shall submit an application that clearly explains or presents the following elements in a format to be established by the commission:

(i) written notification of intent to serve as a choice school authorizer in accordance with this part;

(ii) an explanation of the local school board's strategic vision for authorizing;

(iii) a plan supporting the local school board's strategic vision and an explanation of the local school board's budget and personnel capacity and commitment to execute the duties of choice school authorizing in accordance with this part;

(iv) a draft or preliminary outline of a request for proposal that will solicit choice school applicants in accordance with 20-11-111;

(v) a description or outline of the performance framework the local school board will use to guide the establishment of a charter contract and for ongoing oversight and evaluation of choice schools consistent with the requirements of this part;

(vi) a draft of the local school board's renewal, revocation, nonrenewal, and school closure processes consistent with 20-11-117 and 20-11-118;

(vii) a statement of assurance that the local school board commits to serving as a choice school authorizer in fulfillment of the expectations, spirit, and intent of this part and will fully participate in any authorizer training provided or required by the commission; and

(viii) a statement of assurance that the local school board will be accountable and transparent in all matters concerning authorizing practices, decisions, and expenditures.

(4) (a) Within 60 days of receipt of the application, the commission shall determine whether to approve an application based on a review of the documentation provided in ~~[subsection (3)]~~ *subsection (3)* and the quality of the application. The commission shall provide a letter to the local school board either confirming or denying acceptance as an authorizer.

(b) Within 30 days of approval of an application for choice school authorizing, the commission and the approved authorizer shall execute a renewable authorizing contract. The initial authorizing contract term is 6 years.

(5) A local school board may not engage in authorizing functions without a fully executed authorizing contract.

(6) When approved by the commission, the local school board continues as an authorizer from year to year during the term of the contract as long as the

local school board fulfills all authorizing duties and expectations set forth in this part and remains an authorizer in good standing with the commission."

Section 15. Section 20-15-310, MCA, is amended to read:

"**20-15-310. Appropriation -- definitions.** (1) As used in ~~[20-15-328]~~ *20-15-328* and this section, the following definitions apply:

(a) "Adjusted base" means the state appropriation to a community college in the base year minus any one-time-only legislative appropriations, except for one-time-only legislative appropriations made for fiscal year 2022, and appropriations for auditing purposes, as well as any reversion pursuant to 17-7-142 before July 1, 2023, and adjusted for actual weighted FTE as determined by the commissioner of higher education in ~~[20-15-328(2)]~~*20-15-328(2)*, then multiplied by the inflationary factor for the second year of the current biennium.

(b) "Base year" means the first year of the current biennium.

(c) "Concurrent enrollment" means the form of dual enrollment through which a high school student receives instruction in a community college course from a high school instructor.

(d) "CTE FTE" means the FTE derived from students in courses determined by the commissioner of higher education to be career and technical education, based on national standard course classifications. For the purposes of the community college funding formula, FTE generated from a dual enrollment CTE course must be included in the calculation of CTE FTE and not in the concurrent enrollment or early college FTE categories.

(e) "Dual enrollment" means the circumstance in which a high school student is enrolled in both the student's high school and in a community college.

(f) "Early college" means the form of dual enrollment through which a high school student receives instruction in a community college course from a faculty member of the community college.

(g) "FTE" or "full-time equivalent" means the total number of undergraduate resident student credit hours in an academic year divided by 30.

(h) "FTE categories" means CTE FTE, general education FTE, the FTE derived from concurrent enrollment, and the FTE derived from early college. For the purposes of the community college funding formula, FTE generated from a dual enrollment CTE course must be included in the calculation of CTE FTE and not in the concurrent enrollment or early college FTE categories.

(i) "FTE decrease funding factor" means a dollar figure for each year of the ensuing biennium that is determined by the legislature and must be specified in the appropriations act appropriating funds to the community colleges for each biennium.

(j) "FTE increase funding factor" means a dollar figure for each year of the ensuing biennium that is determined by the legislature and must be specified in the appropriations act appropriating funds to the community colleges for each biennium.

(k) "FTE weighting factor" means a multiplier that is applied to changes in resident FTE in each of the FTE categories and that is determined by the legislature and must be specified in the appropriations act appropriating funds to the community colleges for each biennium.

(l) "General education FTE" means the FTE derived from nondual enrollment students in courses determined by the commissioner of higher education to not be career and technical education, based on national standard course classifications.

(m) "Inflationary factor" means the percentage calculated pursuant to 20-9-326, not to exceed 3% and subject to final determination by the legislature as specified in the appropriations act appropriating funds to the community colleges for each biennium.

(n) "Weighted FTE" means the sum of the FTE in each FTE category multiplied by the corresponding FTE weighting factor.

(2) It is the intent of the legislature that all community college spending, other than from restricted funds, designated funds, or funds generated by an optional, voted levy, be governed by the provisions of this part and the state general appropriations act.

(3) The state general fund appropriation for each community college must be determined as follows:

(a) For the first year of the next biennium, multiply the adjusted base by the inflationary factor for the first year of the next biennium, and to this number add the result of multiplying:

(i) any change in the projected weighted resident FTE changes for the first year of the next biennium from the actual weighted resident FTE in the base year; and

(ii) the FTE decrease funding factor or the FTE increase funding factor as appropriate for the first year of the next biennium.

(b) For the second year of the next biennium, multiply the adjusted base by the inflationary factor for the first year of the next biennium, multiply this result by the inflationary factor for the second year of the next biennium, and to this number add the result of multiplying:

(i) any change in the projected weighted resident FTE changes for the second year of the next biennium from the actual weighted resident FTE in the base year; and

(ii) the FTE decrease funding factor or the FTE increase funding factor as appropriate for the second year of the next biennium."

Section 16. Section 25-1-1101, MCA, is amended to read:

"**25-1-1101. Registered process server -- levying officer -- use of title reserved.** (1) Except as provided in subsection (2), a person who makes more than 10 services of process, as defined in 25-3-101, within this state during 1 calendar year must be registered under Title 37, chapter 60. A process server who holds a valid certificate of registration from a clerk of court in this state as of July 1, 2007, shall present the registration certificate to the ~~board of private security~~ *department of labor and industry*, and the ~~board~~ *department* shall exchange that registration certificate for a new certificate that expires on March 31, 2009.

(2) This part does not apply to:

(a) a sheriff, constable, coroner, elisor, or other government employee who is acting in the course of employment; or

(b) a licensed attorney.

(3) A registered process server may act as a levying officer under Title 25, chapter 13.

(4) A registered process server may make service of process in any county in this state.

(5) A person may not use the title of process server unless the person is registered as a process server under Title 37, chapter 60."

Section 17. Section 25-1-1111, MCA, is amended to read:

"**25-1-1111. Bond required -- levy limited.** (1) After completing the requirements in Title 37, chapter 60, for registration, a process server shall provide the ~~board of private security~~ *department of labor and industry* with proof of a surety bond of $10,000 for an individual or $100,000 for a firm, conditioned upon compliance with this part, all laws governing service of process in this state, and the requirements of Title 37, chapter 60. A clerk of court holding a surety bond for a process server under this section as of June

30, 2007, shall transfer the original bond and any supporting documentation to the board on July 1, 2007.

(2) A levying officer may not levy on a judgment that exceeds the value of the bond."

Section 18. Section 25-1-1112, MCA, is amended to read:

"**25-1-1112. Action on bond.** (1) Any person who recovers damages for an injury caused by a service of process, made by a registered process server, that did not comply with the law governing service of process in this state may recover the amount of damages from the bond required under 25-1-1111.

(2) If there has been recovery against a registered process server's bond, the registered process server shall file a new bond within 30 days or reinstate the bond. If the bond has not been reinstated or filed within 30 days, the ~~board of private security~~ *department of labor and industry* shall revoke the process server's registration within a timeframe established by rule."

Section 19. Section 26-1-802, MCA, is amended to read:

"**26-1-802. Spousal privilege.** (1) A spouse may not, without the consent of the other spouse, testify during or after the marriage concerning any communication made by one to the other during their marriage.

(2) A judicial, legislative, administrative, or other governmental body may not request or require the disclosure of an electronic communication made by one spouse to the other during their marriage from a spouse or an electronic communication service used by the spouse.

(3) A spouse or an electronic communication service used by the spouse may not be adjudged in contempt by a judicial, legislative, administrative, or other body having the power to issue subpoenas for refusing to disclose or produce electronic communications made by one spouse to the other during their marriage.

(4) The privilege under subsections (1) through (3):

(a) is restricted to communications made during the existence of the marriage relationship and does not extend to communications made prior to the marriage or to communications made after the marriage is dissolved; and

(b) does not apply to a civil action or proceeding by one spouse against the other or to a criminal action or proceeding for a crime committed by one spouse against the other or against a child of either spouse.

(5) For the purposes of this section, "electronic communication" and "electronic communication service" have the meanings provided in 46-5-601. The terms do not include communications transmitted by the ~~statewide~~ *state* telecommunications network provided for in 2-17-506."

Section 20. Section 27-1-1101, MCA, is amended to read:

"**27-1-1101. Definition.** As used in this part, "mental health professional" means:

(1) a certified professional person as defined in 53-21-106;

(2) a physician licensed under Title 37, chapter 3;

~~(3) a professional counselor licensed under Title 37, chapter 39;~~

~~(4)~~*(3)* a psychologist licensed under Title 37, chapter 17;

~~(5) a clinical social worker licensed under Title 37, chapter 39;~~

~~(6)~~*(4)* an advanced practice registered nurse, as provided for in 37-8-202, with a clinical specialty in psychiatric mental health nursing; or

~~(7)~~*(5) a clinical social worker, a professional counselor, or* a marriage and family therapist licensed under Title 37, chapter 39."

Section 21. Section 53-6-101, MCA, is amended to read:

"**53-6-101. Montana medicaid program -- authorization of services.** (1) There is a Montana medicaid program established for the purpose of providing necessary medical services to eligible persons who have need for

medical assistance. The Montana medicaid program is a joint federal-state program administered under this chapter and in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq. The department shall administer the Montana medicaid program.

(2) The department and the legislature shall consider the following funding principles when considering changes in medicaid policy that either increase or reduce services:

(a) protecting those persons who are most vulnerable and most in need, as defined by a combination of economic, social, and medical circumstances;

(b) giving preference to the elimination or restoration of an entire medicaid program or service, rather than sacrifice or augment the quality of care for several programs or services through dilution of funding; and

(c) giving priority to services that employ the science of prevention to reduce disability and illness, services that treat life-threatening conditions, and services that support independent or assisted living, including pain management, to reduce the need for acute inpatient or residential care.

(3) Medical assistance provided by the Montana medicaid program includes the following services:

(a) inpatient hospital services;

(b) outpatient hospital services;

(c) other laboratory and x-ray services, including minimum mammography examination as defined in 33-22-132;

(d) skilled nursing services in long-term care facilities;

(e) physicians' services;

(f) nurse specialist services;

(g) early and periodic screening, diagnosis, and treatment services for persons under 21 years of age, in accordance with federal regulations and subsection (10)(b);

(h) ambulatory prenatal care for pregnant women during a presumptive eligibility period, as provided in 42 U.S.C. 1396a(a)(47) and 42 U.S.C. 1396r-1;

(i) targeted case management services, as authorized in 42 U.S.C. 1396n(g), for high-risk pregnant women;

(j) services that are provided by physician assistants within the scope of their practice and that are otherwise directly reimbursed as allowed under department rule to an existing provider;

(k) health services provided under a physician's orders by a public health department;

(l) federally qualified health center services, as defined in 42 U.S.C. 1396d(l)(2);

(m) routine patient costs for qualified individuals enrolled in an approved clinical trial for cancer as provided in 33-22-153;

(n) for children 18 years of age and younger, habilitative services as defined in 53-4-1103;

(o) services provided by a person certified in accordance with 37-2-318 to provide services in accordance with the Indian Health Care Improvement Act, 25 U.S.C. 1601, et seq.;

(p) fertility preservation services in accordance with 33-22-2103; and

(q) planned home births for women with a low risk of adverse birth outcomes, as established by the appropriate licensing board, that are attended by certified nurse-midwives licensed under Title 37, chapter 8, or direct-entry midwives licensed under Title 37, chapter 27. Coverage under this section includes prenatal care and postpartum care.

(4) Medical assistance provided by the Montana medicaid program may, as provided by department rule, also include the following services:

(a) medical care or any other type of remedial care recognized under state law, furnished by licensed practitioners within the scope of their practice as defined by state law;

(b) home health care services[, including services provided by pediatric complex care assistants licensed pursuant to 37-2-603];

(c) private-duty nursing services;

(d) dental services;

(e) physical therapy services;

(f) mental health center services administered and funded under a state mental health program authorized under Title 53, chapter 21, part 10;

(g) clinical social worker services;

(h) prescribed drugs, dentures, and prosthetic devices;

(i) prescribed eyeglasses;

(j) other diagnostic, screening, preventive, rehabilitative, chiropractic, and osteopathic services;

(k) inpatient psychiatric hospital services for persons under 21 years of age;

(l) services of clinical professional counselors licensed under Title 37, chapter 39;

(m) services of a marriage and family therapist licensed under Title 37, chapter 39;

(n) hospice care, as defined in 42 U.S.C. 1396d(o);

(o) case management services, as provided in 42 U.S.C. 1396d(a) and 1396n(g), including targeted case management services for the mentally ill;

(p) services of psychologists licensed under Title 37, chapter 17;

(q) inpatient psychiatric services for persons under 21 years of age, as provided in 42 U.S.C. 1396d(h), in a residential treatment facility, as defined in 50-5-101, that is licensed in accordance with 50-5-201;

(r) services of behavioral health peer support specialists certified under Title 37, chapter 39, provided to adults 18 years of age and older with a diagnosis of a mental disorder, as defined in 53-21-102; and

(s) any additional medical service or aid allowable under or provided by the federal Social Security Act.

(5) Services for persons qualifying for medicaid under the medically needy category of assistance, as described in 53-6-131, may be more limited in amount, scope, and duration than services provided to others qualifying for assistance under the Montana medicaid program. The department is not required to provide all of the services listed in subsections (3) and (4) to persons qualifying for medicaid under the medically needy category of assistance.

(6) In accordance with federal law or waivers of federal law that are granted by the secretary of the U.S. department of health and human services, the department may implement limited medicaid benefits, to be known as basic medicaid, for adult recipients who are eligible because they are receiving cash assistance, as defined in 53-4-201, as the specified caretaker relative of a dependent child and for all adult recipients of medical assistance only who are covered under a group related to a program providing cash assistance, as defined in 53-4-201. Basic medicaid benefits consist of all mandatory services listed in subsection (3) but may include those optional services listed in subsections (4)(a) through (4)(s) that the department in its discretion specifies by rule. The department, in exercising its discretion, may consider the amount of funds appropriated by the legislature, whether approval has been received, as provided in 53-1-612, and whether the provision of a particular service is commonly covered by private health insurance plans. However, a recipient who is pregnant, meets the criteria for disability provided in Title II of the Social Security Act, 42 U.S.C. 416, et seq., or is less than 21 years of age is entitled to full medicaid coverage.

(7) The department may implement, as provided for in Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended, a program under medicaid for payment of medicare premiums, deductibles, and coinsurance for persons not otherwise eligible for medicaid.

(8) (a) The department may set rates for medical and other services provided to recipients of medicaid and may enter into contracts for delivery of services to individual recipients or groups of recipients.

(b) The department shall strive to close gaps in services provided to individuals suffering from mental illness and co-occurring disorders by doing the following:

(i) simplifying administrative rules, payment methods, and contracting processes for providing services to individuals of different ages, diagnoses, and treatments. Any adjustments to payments must be cost-neutral for the biennium beginning July 1, 2017.

(ii) publishing a report on an annual basis that describes the process that a mental health center or chemical dependency facility, as those terms are defined in 50-5-101, must utilize in order to receive payment from Montana medicaid for services provided to individuals of different ages, diagnoses, and treatments.

(9) The services provided under this part may be only those that are medically necessary and that are the most efficient and cost-effective.

(10) (a) The amount, scope, and duration of services provided under this part must be determined by the department in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended.

(b) The department shall, with reasonable promptness, provide access to all medically necessary services prescribed under the early and periodic screening, diagnosis, and treatment benefit, including access to prescription drugs and durable medical equipment for which the department has not negotiated a rebate.

(11) Services, procedures, and items of an experimental or cosmetic nature may not be provided.

(12) (a) Prior to enacting changes to provider rates, medicaid waivers, or the medicaid state plan, the department shall report this information to the following committees *in accordance with 5-11-210*:

(i) the children, families, health, and human services interim committee;

(ii) the legislative finance committee; and

(iii) the health and human services budget committee.

(b) In its report to the committees, the department shall provide an explanation for the proposed changes and an estimated budget impact to the department over the next 4 fiscal years.

(13) If available funds are not sufficient to provide medical assistance for all eligible persons, the department may set priorities to limit, reduce, or otherwise curtail the amount, scope, or duration of the medical services made available under the Montana medicaid program after taking into consideration the funding principles set forth in subsection (2). (Subsection (3)(o) terminates September 30, 2025--sec. 1, Ch. 298, L. 2023; bracketed language in subsection (4)(b) terminates June 30, 2031--sec. 10, Ch. 628, L. 2023.)"

Section 22. Section 53-25-102, MCA, is amended to read:

"**53-25-102. Purpose.** (1) It is the intent of the legislature to provide access to a program authorized by section 529A of the Internal Revenue Code, 26 U.S.C. 529A, to encourage and assist individuals and families in saving private funds for the purpose of supporting individuals with disabilities to maintain health, independence, and quality of life and to provide secure funding for disability-related expenses on behalf of designated beneficiaries

with disabilities that will supplement, but not supplant, benefits provided through private insurance, federal and state medical and disability insurance, a beneficiary's employment, and other sources.

(2) The legislature further intends that the department achieve this purpose by:

~~(a)~~ creating the Montana achieving a better life experience program, which is a public-private partnership using selected financial institutions to serve as depositories for individuals' savings accounts established pursuant to this chapter~~; or~~

~~[(b) contracting with another state that has a program under section 529A of the Internal Revenue Code, 26 U.S.C. 529A, and that allows Montana residents to participate in the state's program]~~."

Section 23. Section 61-8-1016, MCA, is amended to read:

"**61-8-1016. Implied consent -- blood or breath tests for alcohol, blood or oral fluid for drugs, or testing for both -- alcohol and drugs using recognized methods for each -- refusal to submit to test -- administrative license suspension.** (1) (a) A person who operates or is in actual physical control of a vehicle or commercial motor vehicle upon the ways of this state open to the public is considered to have given consent to a test or tests of the person's blood or breath for the purpose of determining any measured amount or detected presence of alcohol or blood or oral fluid for the purpose of determining any measured amount or detected presence of drugs in the person's body.

(b) The tests in subsection (1)(a) include but are not limited to a preliminary alcohol screening test of the person's breath for the purpose of estimating the person's alcohol concentration.

(c) A preliminary alcohol screening test may not be conducted or requested under this section unless both the peace officer and the instrument used to conduct the test have been certified by the department pursuant to rules adopted under the authority of 61-8-1019(5).

(d) The person's obligation to submit to a test in subsection (1)(a) is not satisfied by the person submitting to a preliminary alcohol screening test pursuant to this section.

(2) (a) The test or tests must be administered at the direction of a peace officer when:

(i) the peace officer has particularized suspicion to believe that the person has been driving or has been in actual physical control of a vehicle upon ways of this state open to the public while under the influence of alcohol, drugs, or a combination of the two and the person has been detained for a violation of driving under the influence as provided in 61-8-1002 or an offense that meets the definition of aggravated driving under the influence in 61-8-1001;

(ii) the person is under the age of 21 and the peace officer has particularized suspicion to believe that the person has been driving or in actual physical control of a vehicle in violation of 61-8-1002(1)(e); or

(iii) the peace officer has probable cause to believe that the person was driving or in actual physical control of a vehicle or commercial motor vehicle:

(A) in violation of driving under the influence, as provided in 61-8-1002, and the person has been placed under arrest;

(B) in violation of driving under the influence as provided in 61-8-1002, and the person has been involved in a motor vehicle crash or collision resulting in property damage;

(C) and the person has been involved in a motor vehicle accident or collision resulting in serious bodily injury, as defined in 45-2-101, or death; or

(D) in violation of driving under the influence as provided in 61-8-1002 and meets the definition of aggravated driving under the influence in 61-8-1001.

(b) A peace officer may designate which test or tests are administered.

(c) The peace officer shall inform the person of the right to refuse the test and that the refusal to submit to the test will result in the suspension for up to 1 year of that person's driver's license.

(d) A hearing as provided for in 61-8-1017 must be available. The issues in the hearing must be limited to determining whether a peace officer had a particularized suspicion that the person was in violation of 61-8-1002 or an offense meeting the definition of aggravated driving under the influence in 61-8-1001, and whether the person refused to submit to the test.

(e) If a person refuses a preliminary alcohol screening test and another test during the same incident, the department may not consider each a separate refusal for purposes of suspension of the person's driver's license.

(3) A person who is unconscious or who is otherwise in a condition rendering the person incapable of refusal is considered not to have withdrawn the consent requested in subsection (1).

(4) (a) If an arrested person refuses to submit to one or more tests requested and designated by the peace officer, the refused test or tests may not be given unless the person has refused to provide a breath, blood, urine, or other bodily substance in a prior investigation in this state or under a substantially similar statute in another jurisdiction or the arrested person has a prior conviction or pending offense for a violation of 45-5-104, 45-5-106, 45-5-205, or driving under the influence, including 61-8-1002, an offense that meets the definition of aggravated driving under the influence in 61-8-1001, or a similar offense under previous laws of this state or a similar statute in another jurisdiction.

(b) On the person's refusal to provide the breath, blood, urine, oral fluid, or other bodily substance requested by the peace officer pursuant to subsection (1) and this subsection (4), *the peace officer* may apply for a search warrant to be issued pursuant to 46-5-224 to collect a sample of the person's blood or oral fluid for testing.

(c) (i) On the person's refusal to provide a breath, blood, urine, oral fluid, or other bodily substance, the peace officer shall, on behalf of the department, immediately seize the person's driver's license. The peace officer shall immediately forward the license to the department, along with a report certified under penalty of law stating which of the conditions set forth in subsection (2)(a) provides the basis for the testing request and confirming that the person refused to submit to one or more tests requested and designated by the peace officer. Upon receipt of the report, the department shall suspend the license for the period provided in 61-8-1032.

(ii) Upon seizure of a driver's license, the peace officer shall issue, on behalf of the department, a temporary driving permit, which is effective 12 hours after issuance and is valid for 5 days following the date of issuance, and shall provide the driver with written notice of the license suspension and the right to a hearing as provided in 61-8-1017.

(iii) A nonresident driver's license seized under this section must be sent by the department to the licensing authority of the nonresident's home state with a report of the nonresident's refusal to submit to one or more tests.

(5) This section does not apply to tests, samples, and analyses of blood, breath, or urine used for purposes of medical treatment or care of an injured motorist, related to a lawful seizure for a suspected violation of an offense not in this part, or performed pursuant to a search warrant.

(6) This section does not prohibit the release of information obtained from tests, samples, and analyses of blood, breath, or urine for law enforcement purposes as provided in 46-4-301 and 61-8-1019(6)."

Section 24. Section 76-13-418, MCA, is amended to read:

"**76-13-418. Fire hazard reduction agreement -- slash burning.** (1) Slash burning as part of ~~[fire]~~ *fire* hazard reduction agreements must be conducted under rules adopted pursuant to this part and burning notification requirements adopted pursuant to 7-33-2205.

(2) Immediate or continuous presence is not required for slash burning conducted under this section provided that:

(a) significant precipitation, the presence of persistent snow cover, fuel moisture conditions, or a combination of those factors sufficiently inhibits the chance of fire spreading under current and foreseeable weather conditions;

(b) there is an absence of high wind events or warnings for the slash burning period that would cause the fire or embers to spread beyond the intended location; and

(c) the slash burn location is sufficiently monitored, patrolled, or both until the risk of fire spread subsides. This includes at least one site visit to ensure containment.

(3) Nothing in this section absolves the holder of a fire hazard reduction agreement from operating with reasonable care and caution or the provisions of 50-63-102 and 50-63-103."

Section 25. Section 81-2-501, MCA, is amended to read:

"**81-2-501. Definitions.** When used in this part, the following definitions apply:

(1) "Garbage" means wastes resulting from the handling, preparation, cooking, and consumption of animal products, including animal carcasses or parts of animal carcasses, or other refuse of any character that has been associated with any animal products, including animal carcasses or parts of animal carcasses. Waste products that do not contain animal products are not considered garbage for the purpose of garbage feeding.

~~(2) "Garbage feeder" means a person who handles, prepares, cooks, or otherwise treats garbage to feed to swine or other animals, as well as a person who feeds garbage to swine or other animals.~~

~~(3)~~*(2)* "Person" means the state, any municipality, political subdivision, school district, institution, public or private corporation, individual, partnership, or other entity."

Section 26. Section 81-9-201, MCA, is amended to read:

"**81-9-201. Meat establishment license -- fees and renewals.** (1) Except as provided in ~~50-49-303~~ *50-49-203*, it is unlawful for a person, firm, or corporation to engage in the business of slaughtering livestock or poultry, including the operation of a mobile slaughter facility as defined in 81-9-217, or processing, storing, or wholesaling livestock or poultry products without having a license issued by the department. The department shall establish an annual fee for a license issued under this section, to be paid into the state special revenue fund for the use of the department.

(2) All licenses expire each year on the anniversary date established by rule by the board of review established in 30-16-302 and must be renewed by the department on request of the licensee. However, when the department finds that the establishment for which the license is issued is not conducted in accordance with the rules and orders of the board made under 81-2-102, the department shall revoke the license and may not renew it until the establishment is in a sanitary condition in accordance with department rules.

(3) Investor-owned equine slaughter or processing facilities must be licensed pursuant to this section.

(4) A person, firm, or corporation violating this section or any rule or order promulgated by authority of 81-2-102 is guilty of a misdemeanor and upon conviction shall be fined not more than $500."

Section 27. Section 81-9-218, MCA, is amended to read:

"**81-9-218. Exemptions.** (1) The following persons are exempt from 81-9-201, 81-9-216 through 81-9-220, and 81-9-226 through 81-9-236:

(a) a person who slaughters livestock or poultry or prepares or processes livestock or poultry products for the person's own personal or household use;

(b) a person who transports dead, dying, or diseased animals or poultry for the purpose of treatment, burial, or disposal in a manner that would prevent the carcasses from being used as human food; and

(c) a producer as defined in 50-49-202 who sells homemade food or slaughters fewer than 1,000 poultry birds a year pursuant to ~~50-49-303~~ *50-49-203* except that the producer is subject to the requirements of 9 CFR 381.10(c) and the recordkeeping requirements of 9 CFR 381.175.

(2) A person engaged in the custom slaughtering of livestock or poultry delivered by the owner for custom slaughter or a person engaged in the preparation of the carcasses and parts and meat food products of the livestock or poultry when slaughtered or prepared for exclusive use in the owner's household by the owner or members of the owner's household or the owner's nonpaying guests or employees is exempt from 81-9-216, 81-9-217, 81-9-220, and 81-9-226 through 81-9-236 if the carcasses, parts, or meat food products or containers of the articles are:

(a) kept separate from carcasses, parts, or meat food products prepared for sale;

(b) plainly marked "Not for Sale" immediately after being slaughtered or prepared and remain plainly marked until delivered to the owner; and

(c) prepared and packaged in a sanitary manner and in a sanitary facility."

Section 28. Section 81-9-240, MCA, is amended to read:

"**81-9-240. Equine slaughter or processing facilities -- no injunction to stop -- damages allowed for delay.** (1) A court of this state may not issue an injunction stopping or delaying the construction of an equine slaughter or processing facility licensed pursuant to 81-9-201 based on a challenge or appeal of a permit, license, certificate, or other approval issued in conjunction with a proposed equine slaughter or processing facility based on the provisions of:

(a) Title 75, chapter 1, parts 1 through 3;

(b) Title 75, chapter 2, parts 1 through 4;

(c) Title 75, chapter 5, part 4;

(d) Title 75, chapter 10, part 1 and parts ~~[3]~~ *4* through 13; or

(e) this part.

(2) If a person files an action against the operation of an equine slaughter or processing facility and does not prevail, the person is liable for all financial losses the facility suffers if the court issues an injunction that halts operations while the action is pending."

Section 29. Directions to code commissioner. (1) Wherever a reference to 5-11-210 appears in legislation enacted by the 2025 legislature and requires a new report to the legislature, the code commissioner is directed to include the report under the appropriate interim committee as listed in 5-11-222.

(2) Wherever a reference to 5-11-210 is repealed or stricken in legislation enacted by the 2025 legislature, the code commissioner is directed to strike that report from 5-11-222.

(3) Wherever a reference to 5-11-210 is terminated, the code commissioner is directed to strike that report from 5-11-222.

Section 30. Directions to code commissioner. The code commissioner is directed to implement 1-11-101(2)(g)(ii) by correcting any clearly inaccurate references to other sections of the Montana Code Annotated contained in material enacted by the 69th legislature and previous legislatures.

Approved April 3, 2025

CHAPTER NO. 54

[HB 115]

AN ACT REVISING THE DUTIES OF THE CODE COMMISSIONER REGARDING PUBLICATION OF THE MONTANA CODE ANNOTATED; DEFINING CERTAIN TERMS; CLARIFYING AND ELIMINATING CERTAIN CODE COMMISSIONER DUTIES; AMENDING SECTIONS 1-11-101 AND 1-11-204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 1-11-101, MCA, is amended to read:

"**1-11-101. Definitions.** As used in this chapter, *unless the context requires otherwise,* the following definitions apply:

(1) "Code" or "codes" means the Montana Code Annotated, which is a reenactment of the Revised Codes of Montana, 1947, as provided in 1-11-103.

(2) "Publication" or "publish" means the act of issuing a work in printed or electronic format.

~~(2)~~*(3)* "Recodify" means to compile, arrange, rearrange, and prepare for publication. It includes, without changing the meaning, effect, or intent of any law:

(a) correcting or changing punctuation, capitalization, spelling, grammatical construction, and numbering as required by uniform literary and bill drafting practice;

(b) substituting the appropriate new code division reference for reference to a section of, to a part of, or to an entire "act";

(c) substituting calendar date for "effective date", "hereafter", and similar terms;

(d) creating new titles, chapters, parts, sections, or other divisions of the code;

(e) changing or inserting language made necessary because of rearrangement;

(f) eliminating redundant words;

(g) when given direction or authority by another statute, correcting inaccurate or obsolete references to:

(i) titles of officers or agencies, such as those changed by executive reorganization statutes;

(ii) other code sections, such as those that have been repealed or repealed and replaced;

(h) changing inaccurate terminology to comply with statutory definitions or short form amendments; *and*

(i) changing or creating section captions (catchlines) to clearly reflect the content of the section, unless the section captions are specifically and expressly adopted as part of the law by the legislature."

Section 2. Section 1-11-204, MCA, is amended to read:

"**1-11-204. Duties of code commissioner.** (1) Prior to November 1 immediately preceding each regular legislative session, the code commissioner shall prepare and submit to the legislative council a report~~, in tabular or other form,~~ indicating the commissioner's recommendations for legislation ~~that will~~ *to*:

(a) eliminate archaic or outdated laws;

(b) eliminate obsolete or redundant wording of laws;

(c) eliminate duplications in law and any laws repealed directly or by implication;

(d) clarify existing laws; *or*

(e) correct errors and inconsistencies within the laws.

(2) The commissioner shall cause to be prepared for publication with the Montana Code Annotated the following material:

(a) the statutory history of each code section;

(b) annotations of *or references to* state and federal court decisions relating to the subject matter of the code;

(c) editorial notes, cross-references, and other matter the commissioner considers desirable or advantageous;

(d) the Declaration of Independence;

(e) the Constitution of the United States of America and amendments to the constitution;

(f) acts of congress relating to the authentication of laws and records;

(g) the Organic Act of the Territory of Montana;

(h) The Enabling Act;

(i) The 1972 Constitution of the State of Montana and any amendments to the constitution;

(j) ordinances relating to federal relations and elections;

(k) rules of civil, criminal, and appellate procedure and other rules of procedure the Montana supreme court may adopt; and

(l) ~~a complete subject index, a separate index for the constitution, a popular name index, and comparative disposition tables or cross-reference indexes~~ *tables* relating sections of the Montana Code Annotated to prior compilations and session laws.

(3) (a) After publication of the Montana Code Annotated, the code commissioner shall:

(i) annotate, arrange, and prepare for publication all laws of a general and permanent nature enacted at each legislative session and assign catchlines and code section numbers to each new section;

(ii) continue to codify, ~~index,~~ arrange, rearrange, and generally update the Montana Code Annotated to maintain an orderly and logical arrangement of the laws in order to avoid future need for bulk revision; *and*

(iii) prepare and publish a report entitled "Official Report of the Montana Code Commissioner--(year)" that indicates~~, in tabular or other form,~~ all changes made during the continuous recodification, other than punctuation, spelling, and capitalization, to clearly indicate the character of each change made since the last report.

(b) In carrying out the duty imposed by subsection (3)(a)(ii), the commissioner ~~shall~~ *may* recodify the Montana Code Annotated on a title-by-title basis. The recodification is intended to be secondary to the completion of other interim duties.

(4) From time to time, the commissioner shall confer with members of the judiciary and the state bar relative to recodification procedures."

Section 3. Effective date. [This act] is effective on passage and approval.

Approved April 3, 2025

CHAPTER NO. 55

[SB 1]

AN ACT REVISING THE STATEMENT OF POLICY AND THE DEFINITION OF BLIGHTED AREA FOR MUNICIPALITIES EXERCISING URBAN RENEWAL POWERS, INCLUDING TAX INCREMENT FINANCING; AMENDING SECTIONS 7-15-4202, 7-15-4206, 7-15-4210, 7-15-4259, AND 70-30-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 7-15-4202, MCA, is amended to read:

"**7-15-4202. Existence of blighted areas and resulting problems -- statement of policy.** ~~It is hereby found and declared:~~

~~(1) that blighted areas which constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state, exist in municipalities of the state;~~

~~(2) that the existence of such areas:~~

(1) The legislature finds and declares blighted areas exist within municipalities of the state that:

(a) are injurious to the public health, safety, and welfare of the residents of the state;

~~(a)~~*(b)* ~~contributes substantially and increasingly~~ *contribute* to the spread of ~~disease and~~ crime and depreciation of property values;

~~(b)~~*(c)* ~~constitutes~~ *constitute* an economic and social liability;

~~(c)~~*(d)* substantially ~~impairs or arrests~~ *impair* the ~~sound~~ growth of ~~municipalities~~ *communities*;

~~(d) retards the provision of housing accommodations;~~

(e) constitute an impediment to developing and maintaining adequate housing; and

~~(e)~~*(f)* ~~aggravates~~ *aggravate* traffic problems *and hazards.*~~; and~~

~~(f) substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and~~

~~(3)~~*(2)* ~~that the prevention and elimination of such~~ *Elimination of blighted* areas is a matter of state policy and state concern ~~in order~~ *so* that the state and its municipalities ~~shall~~ *do* not continue to be endangered by areas ~~which~~ *that* are focal centers of disease~~, promote juvenile delinquency~~ *and crime*, are conducive to fires, are difficult to police and to provide police protection for, and, while contributing little to the tax income of the state and its municipalities, consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization, *sanitation,* and other forms of public protection, services, and facilities.

(3) The state's tax increment financing laws must be used to encourage the development or redevelopment of blighted areas."

Section 2. Section 7-15-4206, MCA, is amended to read:

"**7-15-4206. Definitions.** The following terms, wherever used or referred to in part 43 or this part, have the following meanings unless a different meaning is clearly indicated by the context:

(1) "Agency" or "urban renewal agency" means a public agency created by 7-15-4232.

(2) "Blighted area" means an area that ~~is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, that substantially impairs or arrests the sound growth of the city or its environs, that retards the provision of housing accommodations, or that constitutes an economic or social liability or is detrimental or constitutes a menace~~ *is determined to be detrimental* to ~~the~~ public health, safety, *or* welfare~~, and morals in its present condition and use, by reason of~~ *due to the presence of at least three of the following characteristics or conditions*:

~~(a) the substantial physical dilapidation, deterioration, age obsolescence, or defective construction, material, and arrangement of buildings or improvements, whether residential or nonresidential;~~

~~(b) inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality;~~

~~(c) inappropriate or mixed uses of land or buildings;~~

~~(d) high density of population and overcrowding;~~

~~(e) defective or inadequate street layout;~~

~~(f) faulty lot layout in relation to size, adequacy, accessibility, or usefulness;~~

~~(g) excessive land coverage;~~

~~(h) unsanitary or unsafe conditions;~~

~~(i) deterioration of site;~~

~~(j) diversity of ownership;~~

(a) an advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required, or the defects are so serious and so extensive that the buildings must be removed;

(b) structures that have become ill-suited for their original use;

(c) deterioration of building structure components or infrastructure, such as roadways, alleys, curbs, gutters, and sidewalks;

(d) buildings or structures that endanger the life, limb, health, property, or safety of the general public or their occupants;

(e) inadequate utilities and infrastructure, such as storm sewers and storm drainage, sanitary sewers, water lines, power, roadways, alleys, curbs, gutters, sidewalks, and communication services, that are shown to be lacking, of insufficient capacity to serve the uses in the area, deteriorated, antiquated, obsolete, or in disrepair;

(f) real property in the area that has incurred or may incur future planned Montana department of environmental quality or United States environmental protection agency remediation costs;

~~(k)~~*(g)* tax or special assessment delinquency exceeding the fair value *of a majority* of the land *and improvements; or*

(h) excessive vacancies occurring in buildings that are unoccupied and underutilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.;

~~(l) defective or unusual conditions of title;~~

~~(m) improper subdivision or obsolete platting;~~

~~(n) the existence of conditions that endanger life or property by fire or other causes; or~~

~~(o) any combination of the factors listed in this subsection (2).~~

(3) "Bonds" means any bonds, notes, or debentures, including refunding obligations, authorized to be issued pursuant to part 43 or this part.

(4) "Clerk" means the clerk or other official of the municipality who is the custodian of the official records of the municipality.

(5) "Elected" means chosen by vote or acclamation or appointed to a vacancy in an otherwise elected position.

(6) "Federal government" means the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(7) "Local governing body" means the elected members of a council or other elected members of a legislative body charged with governing a municipality or consolidated city-county.

(8) "Mayor" means the chief executive of a city or town.

(9) "Municipality" means any incorporated city or town in the state.

(10) "Neighborhood development program" means the yearly activities or undertakings of a municipality in an urban renewal area or areas if the municipality elects to undertake activities on an annual increment basis.

(11) "Obligee" means any bondholder or agent or trustee for any bondholder or lessor conveying to the municipality property used in connection with an urban renewal project or any assignee or assignees of the lessor's interest or any part of the interest and the federal government when it is a party to any contract with the municipality.

(12) "Person" means any individual, firm, partnership, corporation, company, association, joint-stock association, or school district and includes any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(13) "Public body" means the state or any municipality, township, board, commission, district, or other subdivision or public body of the state.

(14) "Public officer" means any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or other activities concerning dwellings in the municipality.

(15) "Public use" means:

(a) a public use enumerated in 70-30-102; or

(b) a project financed by the method provided for in 7-15-4288.

(16) "Real property" means all lands, including improvements and fixtures on the land, all property of any nature appurtenant to the land or used in connection with the land, and every estate, interest, right, and use, legal or equitable, in the land, including terms for years and liens by way of judgment, mortgage, or otherwise.

(17) "Redevelopment" may include:

(a) acquisition of a blighted area or portion of the area;

(b) demolition and removal of buildings and improvements;

(c) installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban renewal provisions of this part in accordance with the urban renewal plan; and

(d) making the land available for development or redevelopment by private enterprise or public agencies, including sale, initial leasing, or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan. If the property is condemned pursuant to Title 70, chapter 30, the private enterprise or public agencies may not develop the condemned area in a way that is not for a public use.

(18) (a) "Rehabilitation" may include the restoration and renewal of a blighted area or portion of the area in accordance with an urban renewal plan by:

(i) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements;

(ii) acquisition of real property and demolition or removal of buildings and improvements on the property when necessary to eliminate unhealthful, unsanitary, or unsafe conditions, to lessen density, to reduce traffic hazards, to eliminate obsolete or other uses detrimental to the public welfare, to otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities;

(iii) installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban renewal provisions of this part; and

(iv) subject to 7-15-4259(4), the disposition of any property acquired in the urban renewal area, including sale, initial leasing, or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan.

(b) Rehabilitation may not include the development of the condemned area in a way that is not for a public use if the property is condemned pursuant to Title 70, chapter 30.

(19) "Urban renewal area" means a blighted area that the local governing body designates as appropriate for an urban renewal project or projects.

(20) "Urban renewal plan" means a plan for one or more urban renewal areas or for an urban renewal project. The plan:

(a) must conform to the growth policy if one has been adopted pursuant to Title 76, chapter 1; and

(b) must be sufficiently complete to indicate, on a yearly basis or otherwise:

(i) any land acquisition, demolition, and removal of structures; redevelopment; improvements; and rehabilitation that is proposed to be carried out in the urban renewal area;

(ii) zoning and planning changes, if any, including changes to the growth policy if one has been adopted pursuant to Title 76, chapter 1;

(iii) land uses, maximum densities, building requirements; and

(iv) the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

(21) (a) "Urban renewal project" may include undertakings or activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of blight and may involve redevelopment in an urban renewal area, rehabilitation or conservation in an urban renewal area, or any combination or part of redevelopment, rehabilitation, or conservation in accordance with an urban renewal plan.

(b) An urban renewal project may not include using property that was condemned pursuant to Title 70, chapter 30, for anything other than a public use."

Section 3. Section 7-15-4210, MCA, is amended to read:

"**7-15-4210. Resolution of necessity required to utilize provisions of part.** A municipality may not exercise any of the powers authorized by part 43 and this part until after its local governing body has adopted a resolution finding that:

(1) one or more blighted areas exist in the municipality by finding that at least three of the factors listed in 7-15-4206(2) apply to the area or a part of the area; and

(2) the rehabilitation, redevelopment, or both of an area or areas are necessary in the interest of the public health, safety, ~~morals,~~ or welfare of the residents of the municipality."

Section 4. Section 7-15-4259, MCA, is amended to read:

"**7-15-4259. Exercise of power of eminent domain.** (1) After the adoption by the local governing body of a resolution declaring that the acquisition of the real property described in the resolution is necessary for an urban renewal project under this part, a municipality may acquire by condemnation, as provided in Title 70, chapter 30, any interest in real property that it considers necessary for urban renewal.

(2) Condemnation for urban renewal of blighted areas, as defined in 7-15-4206(2)(a), ~~(2)(h), (2)(k), or (2)(n)~~ *(2)(d), (2)(g), or (2)(h)*, is a public use, and property already devoted to any other public use or acquired by the owner or the owner's predecessor in interest by eminent domain may be condemned for the purposes of this part.

(3) The award of compensation for real property taken for an urban renewal project may not be increased by reason of any increase in the value of the real property caused by the assembly, clearance, or reconstruction or proposed assembly, clearance, or reconstruction in the project area. An allowance may not be made for the improvements begun on real property after notice to the owner of the property of the institution of proceedings to condemn the property. Evidence is admissible bearing upon the unsanitary, unsafe, or substandard condition of the premises or the unlawful use of the premises.

(4) A city or town may not serve as a pass-through entity by using its power of eminent domain, as provided in Title 70, chapter 30, to obtain property with the intent to sell, lease, or provide the property to a private entity."

Section 5. Section 70-30-102, MCA, is amended to read:

"**70-30-102. Public uses enumerated.** Subject to the provisions of this chapter, the right of eminent domain may be exercised for the following public uses:

(1) all public uses authorized by the government of the United States;

(2) public buildings and grounds for the use of the state and all other public uses authorized by the legislature of the state;

(3) public buildings and grounds for the use of any county, city, town, or school district;

(4) canals, aqueducts, flumes, ditches, or pipes conducting water, heat, or gas for the use of the inhabitants of any county, city, or town;

(5) projects to raise the banks of streams, remove obstructions from streambanks, and widen, deepen, or straighten stream channels;

(6) water and water supply systems as provided in Title 7, chapter 13, part 44;

(7) roads, streets, alleys, controlled-access facilities, and other publicly owned buildings and facilities for the benefit of a county, city, or town or the inhabitants of a county, city, or town;

(8) acquisition of road-building material as provided in 7-14-2123;

(9) stock lanes as provided in 7-14-2621;

(10) parking areas as provided in 7-14-4501 and 7-14-4622;

(11) airport purposes as provided in 7-14-4801, 67-2-301, 67-7-210, and Title 67, chapters 10 and 11;

(12) urban renewal projects as provided in Title 7, chapter 15, parts 42 and 43, except that private property may be acquired for urban renewal through eminent domain only if the property is determined to be a blighted area, as defined in 7-15-4206(2)(a), ~~(2)(h), (2)(k), or (2)(n)~~ *(2)(d), (2)(g), or (2)(h)*, and may not be acquired for urban renewal through eminent domain if the purpose of the project is to increase government tax revenue;

(13) housing authority purposes as provided in Title 7, chapter 15, part 44;

(14) city or town athletic fields and civic stadiums as provided in 7-16-4106;

(15) county cemetery purposes pursuant to 7-11-1021, cemetery association purposes as provided in 35-20-104, and state veterans' cemetery purposes as provided in 10-2-604;

(16) preservation of historical or archaeological sites as provided in 23-1-102 and 87-1-209(2);

(17) public assistance purposes as provided in 53-2-201;

(18) highway purposes as provided in 60-4-103 and 60-4-104;

(19) common carrier pipelines as provided in 69-13-104;

(20) water supply, water transportation, and water treatment systems as provided in 75-6-313;

(21) mitigation of the release or threatened release of a hazardous or deleterious substance as provided in 75-10-720;

(22) the acquisition of nonconforming outdoor advertising as provided in 75-15-123;

(23) screening for or the relocation or removal of junkyards, motor vehicle graveyards, motor vehicle wrecking facilities, garbage dumps, and sanitary landfills as provided in 75-15-223;

(24) water conservation and flood control projects as provided in 76-5-1108;

(25) acquisition of water rights for the natural flow of water as provided in 85-1-204;

(26) property and water rights necessary for waterworks as provided in 85-1-209 and 85-7-1904;

(27) conservancy district purposes as provided in 85-9-410;

(28) wharves, docks, piers, chutes, booms, ferries, bridges, private roads, plank and turnpike roads, and railroads;

(29) canals, ditches, flumes, aqueducts, and pipes for:

(a) supplying mines, mills, and smelters for the reduction of ores;

(b) supplying farming neighborhoods with water and drainage;

(c) reclaiming lands; and

(d) floating logs and lumber on streams that are not navigable;

(30) sites for reservoirs necessary for collecting and storing water. However, reservoir sites must possess a public use demonstrable to the district court as the highest and best use of the land.

(31) roads, tunnels, and dumping places for working mines, mills, or smelters for the reduction of ores;

(32) outlets, natural or otherwise, for the flow, deposit, or conduct of tailings or refuse matter from mines, mills, and smelters for the reduction of ores;

(33) an occupancy in common by the owners or the possessors of different mines of any place for the flow, deposit, or conduct of tailings or refuse matter from their several mines, mills, or smelters for reduction of ores and sites for reservoirs necessary for collecting and storing water for the mines, mills, or smelters. However, the reservoir sites must possess a public use demonstrable to the district court as the highest and best use of the land.

(34) private roads leading from highways to residences or farms;

(35) telephone or electrical energy lines, except that local government entities as defined in 2-7-501, municipal utilities, or competitive electricity suppliers may not use this chapter to acquire existing telephone or electrical energy lines and appurtenant facilities owned by a public utility or cooperative for the purpose of transmitting or distributing electricity or providing telecommunications services;

(36) telegraph lines;

(37) sewerage of any:

(a) county, city, or town or any subdivision of a county, city, or town, whether incorporated or unincorporated;

(b) settlement consisting of not less than 10 families; or

(c) public buildings belonging to the state or to any college or university;

(38) tramway lines;

(39) logging railways;

(40) temporary logging roads and banking grounds for the transportation of logs and timber products to public streams, lakes, mills, railroads, or highways for a time that the court or judge may determine. However, the grounds of state institutions may not be used for this purpose.

(41) underground reservoirs suitable for storage of natural gas;

(42) projects to mine and extract ores, metals, or minerals owned by the condemnor located beneath or upon the surface of property where the title to the surface vests in others. However, the use of the surface of property for strip mining or open-pit mining of coal (i.e., any mining method or process in which the strata or overburden is removed or displaced in order to extract the coal) is not a public use, and eminent domain may not be exercised for this purpose.

(43) projects to restore and reclaim lands that were strip-mined or underground-mined for coal and not reclaimed in accordance with Title 82, chapter 4, part 2, and to abate or control adverse effects of strip or underground mining on those lands."

Section 6. Effective date. [This act] is effective on passage and approval.

Section 7. Applicability. [This act] applies to a municipal resolution making a finding of the existence of a blighted area adopted after [the effective date of this act].

Approved April 3, 2025

CHAPTER NO. 56

[SB 3]

AN ACT REQUIRING A DISTRICT THAT USES TAX INCREMENT FINANCING TO CREATE AN ADVISORY COMMITTEE; AND AMENDING SECTIONS 7-15-4234 AND 7-15-4282, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 7-15-4234, MCA, is amended to read:

"**7-15-4234. Urban renewal agency to be administered by appointed board of commissioners.** (1) If the urban renewal agency is authorized to transact business and exercise powers under this part, the mayor, by and with the advice and consent of the local governing body, shall appoint a board of commissioners of the urban renewal agency consisting of *no fewer than* five commissioners*, including one representative from the county or consolidated city-county government and one representative from a school district with boundaries that overlap with the urban renewal area.*

(2) The initial membership ~~shall~~ *must* consist*, at a minimum,* of one commissioner appointed for 1 year, one for 2 years, one for 3 years, and two for 4 years. Each subsequent appointment must be for 4 years. A certificate of the appointment or reappointment of a commissioner must be filed with the clerk of the municipality, and the certificate is conclusive evidence of the proper appointment of the commissioner.

(3) Each commissioner shall hold office until a successor has been appointed and has qualified.

(4) A commissioner may not receive compensation for services but is entitled to the necessary expenses, including traveling expenses, incurred in the discharge of duties.

(5) Any persons may be appointed as commissioners if they reside within the municipality.

(6) A commissioner may be removed for inefficiency, neglect of duty, or misconduct in office."

Section 2. Section 7-15-4282, MCA, is amended to read:

"**7-15-4282. Authorization for tax increment financing -- *advisory committee.*** (1) An urban renewal plan as defined in 7-15-4206 or a targeted economic development district comprehensive development plan created as provided in 7-15-4279 may contain a provision or be amended to contain a tax increment provision as provided in 7-15-4282 through 7-15-4294. The local governing body shall approve the adoption of a tax increment provision included in an urban renewal plan. The legislative body of a local government shall approve the adoption of a tax increment provision included in a targeted economic development district comprehensive development plan.

(2) (a) Before adopting a tax increment financing provision as part of an urban renewal plan or a comprehensive development plan, a municipality shall provide notice to the county and the school district in which the urban renewal district or targeted economic development district is located and provide the county and school district with the opportunity to meet and consult in a public meeting with the opportunity for public comment regarding the proposed tax increment financing provision and its effect on the county or school district.

(b) Before adopting a tax increment financing provision as part of a comprehensive development plan, a county shall provide notice to the school district in which the targeted economic development district is located and provide the school district with the opportunity to meet and consult in a public meeting with the opportunity for public comment regarding the proposed tax increment financing provision and its effect on the school district.

(3) The tax increment financing provision must take into account the effect on the county and school districts that include local government territory.

(4) (a) Except as provided in subsection (4)(b), the legislative body of a local government that adopts a tax increment financing provision shall appoint an advisory committee to advise the local government about the administration of the urban renewal area or targeted economic development district. The committee must include at least one representative from each incorporated city or town, county, or school district with boundaries that overlap with the urban renewal area or targeted economic development district. The committee may include representatives of other taxing bodies with boundaries that overlap with the urban renewal area or targeted economic development district.

(b) An urban renewal area administered by an urban renewal agency created under 7-15-4232(2) is not required to appoint an advisory committee as provided in subsection (4)(a)."

Section 3. Transition. If the urban renewal agency provided for in 7-15-4234 is composed of five commissioners on [the effective date of this act], in the event of a vacancy or on the next appointment the mayor, by and with the advice and consent of the local governing body, shall appoint commissioners consisting of one representative from the county or consolidated city-county followed by one representative from a school district with boundaries that overlap with the urban renewal area.

Approved April 3, 2025

CHAPTER NO. 57

[SB 17]

AN ACT REVISING LAWS RELATED TO DEADLINES FOR HEARINGS AFTER THE EMERGENCY REMOVAL AND PROTECTIVE PLACEMENT OF A CHILD; CHANGING CERTAIN DEADLINES RELATED TO EMERGENCY PROTECTIVE SERVICE HEARINGS AND PREHEARING CONFERENCES FROM 5 DAYS TO 5 WORKING DAYS; CHANGING THE DEADLINE FOR A SHOW CAUSE HEARING FROM 20 DAYS TO 21 DAYS; AMENDING SECTIONS 41-3-301, 41-3-307, AND 41-3-432, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 41-3-301, MCA, is amended to read:

"**41-3-301. Emergency protective services.** (1) (a) Any child protection specialist of the department, a peace officer, or the county attorney who has reason to believe any child is in immediate or apparent danger of harm may immediately remove the child and place the child in a protective facility. After ensuring that the child is safe, the department may make a request for further assistance from the law enforcement agency or take appropriate legal action.

(b) The person or agency placing the child shall notify the parents, parent, guardian, or other person having physical or legal custody of the child of the placement at the time the placement is made or as soon after placement as possible. Notification under this subsection (1)(b) must:

(i) include the reason for removal;

(ii) include information regarding the emergency protective services hearing within 5 *working* days under 41-3-306, the required show cause hearing within ~~20~~ *21* days, and the purpose of the hearings;

(iii) provide contact information for the child protection specialist, the child protection specialist's supervisor, and the office of state public defender; and

(iv) advise the parents, parent, guardian, or other person having physical or legal custody of the child that the parents, parent, guardian, or other person:

(A) has the right to receive a copy of the affidavit as provided in subsection (6);

(B) has the right to attend and participate in the emergency protective services hearing and the show cause hearing, including providing statements to the judge;

(C) may have a support person present during any meeting with the child protection specialist concerning emergency protective services, including the emergency protective services hearing provided for in 41-3-306; and

(D) may request that the child be placed in a kinship foster home as defined in 52-2-602.

(c) A copy of the notification required under subsection (1)(b) must be provided within 24 hours to the office of state public defender.

(2) If a child protection specialist, a peace officer, or the county attorney determines in an investigation of abuse or neglect of a child that the child is in danger because of the occurrence of partner or family member assault, as provided for in 45-5-206, or strangulation of a partner or family member, as provided for in 45-5-215, against an adult member of the household or that the child needs protection as a result of the occurrence of partner or family member assault or strangulation of a partner or family member against an adult member of the household, the department shall take appropriate steps for the protection of the child, which may include:

(a) making reasonable efforts to protect the child and prevent the removal of the child from the parent or guardian who is a victim of alleged partner or family member assault or strangulation of a partner or family member;

(b) making reasonable efforts to remove the person who allegedly committed the partner or family member assault or strangulation of a partner or family member from the child's residence if it is determined that the child or another family or household member is in danger of partner or family member assault or strangulation of a partner or family member; and

(c) providing services to help protect the child from being placed with or having unsupervised visitation with the person alleged to have committed partner or family member assault or strangulation of a partner or family member until the department determines that the alleged offender has met conditions considered necessary to protect the safety of the child.

(3) If the department determines that an adult member of the household is the victim of partner or family member assault or strangulation of a partner or family member, the department shall provide the adult victim with a referral to a domestic violence program.

(4) A child who has been removed from the child's home or any other place for the child's protection or care may not be placed in a jail.

(5) The department may locate and contact extended family members upon placement of a child in out-of-home care. The department may share information with extended family members for placement and case planning purposes.

(6) If a child is removed from the child's home by the department, a child protection specialist shall submit an affidavit regarding the circumstances of the emergency removal to the county attorney and provide a copy of the affidavit to the office of state public defender and, if possible, the parents or guardian within 2 working days of the emergency removal. An abuse and neglect petition must be filed in accordance with 41-3-422 within 5 working days, excluding weekends and holidays, of the emergency removal of a child unless arrangements acceptable to the agency for the care of the child have been made by the parents or a written prevention plan has been entered into pursuant to 41-3-302.

(7) Except as provided in the federal Indian Child Welfare Act [or the Montana Indian Child Welfare Act provided for in Title 41, chapter 3, part 13], if applicable, a show cause hearing must be held within ~~20~~ *21* days of the filing of the petition unless otherwise stipulated by the parties pursuant to 41-3-434.

(8) If the department determines that a petition for immediate protection and emergency protective services must be filed to protect the safety of the child, the child protection specialist shall interview the parents of the child to whom the petition pertains, if the parents are reasonably available, before the petition may be filed. The district court may immediately issue an order for immediate protection of the child.

(9) The department shall make the necessary arrangements for the child's well-being as are required prior to the court hearing. (Bracketed language in subsection (7) terminates June 30, 2025--sec. 55, Ch. 716, L. 2023.)"

Section 2. Section 41-3-307, MCA, is amended to read:

"**41-3-307. Availability of prehearing conferences.** (1) The parents, parent, guardian, or other person having physical or legal custody of a child who has been removed from the home pursuant to 41-3-301 may participate in a conference within 5 *working* days of the child's removal and before an emergency protective services hearing held by the court pursuant to 41-3-306.

(2) A prehearing conference must include the following parties:

(a) the parents, parent, guardian, or other person having physical or legal custody of the child;

(b) the person's legal counsel;

(c) the county attorney's office; and

(d) a department social worker.

(3) To the greatest degree possible using available funding, the meetings must be conducted by an independent and trained facilitator.

(4) At a minimum, the meetings must involve discussion of:

(a) the child's current placement and options for continued placement if the child remains out of the home;

(b) whether other options exist for an in-home safety plan or resource that may allow the child to remain in the home;

(c) parenting time schedules; and

(d) treatment services for the family."

Section 3. Section 41-3-432, MCA, is amended to read:

"**41-3-432. (Temporary) Show cause hearing -- order.** (1) (a) Except as provided in the federal Indian Child Welfare Act or the Montana Indian Child Welfare Act provided for in Title 41, chapter 3, part 13, a show cause hearing must be conducted within 20 days of the filing of an initial child abuse and neglect petition unless otherwise stipulated by the parties pursuant to 41-3-434 or unless an extension of time is granted by the court. A separate notice to the court stating the statutory time deadline for a hearing must accompany any petition to which the time deadline applies.

(b) If a proceeding under this chapter involves an Indian child and is subject to the federal Indian Child Welfare Act or the Montana Indian Child Welfare Act, a qualified expert witness is required to testify that the continued custody of the Indian child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the Indian child.

(c) The court may grant an extension of time for a show cause hearing only upon a showing of substantial injustice and shall order an appropriate remedy that considers the best interests of the child.

(2) The person filing the petition has the burden of presenting evidence establishing probable cause for the issuance of an order for temporary investigative authority after the show cause hearing, except as provided by the federal Indian Child Welfare Act or the Montana Indian Child Welfare Act, if applicable.

(3) If a contested show cause hearing is requested pursuant to 41-3-427 based upon a disputed issue of material fact or a dispute regarding the veracity of the affidavit of the department, the court may consider all evidence and shall provide an opportunity for a parent, guardian, or other person having physical or legal custody of the child to provide testimony regarding the disputed issues. Hearsay evidence of statements made by the affected child is admissible at the hearing. The parent, guardian, or other person may be represented by legal counsel and may be appointed or assigned counsel as provided for in 41-3-425.

(4) At the show cause hearing, the court shall explain the procedures to be followed in the case and explain the parties' rights, including the right to request appointment or assignment of counsel if indigent or if appointment or assignment of counsel is required under the federal Indian Child Welfare Act or the Montana Indian Child Welfare Act, if applicable, and the right to challenge the allegations contained in the petition. The parent, guardian, or other person having physical or legal custody of the child must be given the opportunity to admit or deny the allegations contained in the petition at the show cause

hearing. Inquiry must be made to determine whether the notice requirements of the federal Indian Child Welfare Act or 41-3-1311, if applicable, have been met.

(5) Except as provided in the federal Indian Child Welfare Act or the Montana Indian Child Welfare Act, if applicable, the court shall make written findings on issues including but not limited to the following:

(a) whether the child should be returned home immediately if there has been an emergency removal or remain in temporary out-of-home care or be removed from the home;

(b) if removal is ordered or continuation of removal is ordered, why continuation of the child in the home would be contrary to the child's best interests and welfare;

(c) whether the department has made reasonable efforts to avoid protective placement of the child or to make it possible to safely return the child to the child's home;

(d) financial support of the child, including inquiry into the financial ability of the parents, guardian, or other person having physical or legal custody of the child to contribute to the costs for the care, custody, and treatment of the child and requirements of a contribution for those costs pursuant to 41-3-446; and

(e) whether another hearing is needed and, if so, the date and time of the next hearing.

(6) The court may consider:

(a) terms and conditions for parental visitation; and

(b) whether orders for examinations, evaluations, counseling, immediate services, or protection are needed.

(7) Following the show cause hearing, the court may enter an order for the relief requested or amend a previous order for immediate protection of the child if one has been entered. The order must be in writing.

(8) If a child who has been removed from the child's home is not returned home after the show cause hearing or if removal is ordered, the parents or parent, guardian, or other person or agency having physical or legal custody of the child named in the petition may request that a citizen review board, if available pursuant to part 10 of this chapter, review the case within 30 days of the show cause hearing and make a recommendation to the district court, as provided in 41-3-1010.

(9) Adjudication of a child as a youth in need of care may be made at the show cause hearing if the requirements of 41-3-437(2) are met. If not made at the show cause hearing, adjudication under 41-3-437 must be made within the time limits required by 41-3-437 unless adjudication occurs earlier by stipulation of the parties pursuant to 41-3-434 and order of the court. (Terminates June 30, 2025--sec. 55, Ch. 716, L. 2023.)

41-3-432. (Effective July 1, 2025) Show cause hearing -- order. (1) (a) Except as provided in the federal Indian Child Welfare Act, a show cause hearing must be conducted within ~~20~~ *21* days of the filing of an initial child abuse and neglect petition unless otherwise stipulated by the parties pursuant to 41-3-434 or unless an extension of time is granted by the court. A separate notice to the court stating the statutory time deadline for a hearing must accompany any petition to which the time deadline applies.

(b) If a proceeding under this chapter involves an Indian child and is subject to the federal Indian Child Welfare Act, a qualified expert witness is required to testify that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

(c) The court may grant an extension of time for a show cause hearing only upon a showing of substantial injustice and shall order an appropriate remedy that considers the best interests of the child.

(2) The person filing the petition has the burden of presenting evidence establishing probable cause for the issuance of an order for temporary investigative authority after the show cause hearing, except as provided by the federal Indian Child Welfare Act, if applicable.

(3) If a contested show cause hearing is requested pursuant to 41-3-427 based upon a disputed issue of material fact or a dispute regarding the veracity of the affidavit of the department, the court may consider all evidence and shall provide an opportunity for a parent, guardian, or other person having physical or legal custody of the child to provide testimony regarding the disputed issues. Hearsay evidence of statements made by the affected child is admissible at the hearing. The parent, guardian, or other person may be represented by legal counsel and may be appointed or assigned counsel as provided for in 41-3-425.

(4) At the show cause hearing, the court shall explain the procedures to be followed in the case and explain the parties' rights, including the right to request appointment or assignment of counsel if indigent or if appointment or assignment of counsel is required under the federal Indian Child Welfare Act, if applicable, and the right to challenge the allegations contained in the petition. The parent, guardian, or other person having physical or legal custody of the child must be given the opportunity to admit or deny the allegations contained in the petition at the show cause hearing. Inquiry must be made to determine whether the notice requirements of the federal Indian Child Welfare Act, if applicable, have been met.

(5) Except as provided in the federal Indian Child Welfare Act, if applicable, the court shall make written findings on issues including but not limited to the following:

(a) whether the child should be returned home immediately if there has been an emergency removal or remain in temporary out-of-home care or be removed from the home;

(b) if removal is ordered or continuation of removal is ordered, why continuation of the child in the home would be contrary to the child's best interests and welfare;

(c) whether the department has made reasonable efforts to avoid protective placement of the child or to make it possible to safely return the child to the child's home;

(d) financial support of the child, including inquiry into the financial ability of the parents, guardian, or other person having physical or legal custody of the child to contribute to the costs for the care, custody, and treatment of the child and requirements of a contribution for those costs pursuant to 41-3-446; and

(e) whether another hearing is needed and, if so, the date and time of the next hearing.

(6) The court may consider:

(a) terms and conditions for parental visitation; and

(b) whether orders for examinations, evaluations, counseling, immediate services, or protection are needed.

(7) Following the show cause hearing, the court may enter an order for the relief requested or amend a previous order for immediate protection of the child if one has been entered. The order must be in writing.

(8) If a child who has been removed from the child's home is not returned home after the show cause hearing or if removal is ordered, the parents or parent, guardian, or other person or agency having physical or legal custody of the child named in the petition may request that a citizen review board, if

available pursuant to part 10 of this chapter, review the case within 30 days of the show cause hearing and make a recommendation to the district court, as provided in 41-3-1010.

(9) Adjudication of a child as a youth in need of care may be made at the show cause hearing if the requirements of 41-3-437(2) are met. If not made at the show cause hearing, adjudication under 41-3-437 must be made within the time limits required by 41-3-437 unless adjudication occurs earlier by stipulation of the parties pursuant to 41-3-434 and order of the court."

Section 4. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 5. Effective date. [This act] is effective July 1, 2025.

Approved April 3, 2025

CHAPTER NO. 58

[SB 18]

AN ACT REVISING THE DEFINITION OF CHILD ABUSE OR NEGLECT TO EXCLUDE CERTAIN FACTORS FROM SOLELY CONSTITUTING PHYSICAL OR PSYCHOLOGICAL HARM TO A CHILD; AND AMENDING SECTION 41-3-102, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 41-3-102, MCA, is amended to read:

"~~**41-3-102. (Temporary) Definitions.** As used in this chapter, the following definitions apply:~~

~~(1) (a) "Abandon", "abandoned", and "abandonment" mean:~~

~~(i) leaving a child under circumstances that make reasonable the belief that the parent does not intend to resume care of the child in the future;~~

~~(ii) willfully surrendering physical custody for a period of 6 months and during that period not manifesting to the child and the person having physical custody of the child a firm intention to resume physical custody or to make permanent legal arrangements for the care of the child;~~

~~(iii) that the parent is unknown and has been unknown for a period of 90 days and that reasonable efforts to identify and locate the parent have failed; or~~

~~(iv) the voluntary surrender, as defined in 40-6-402, by a parent of a newborn who is no more than 30 days old to an emergency services provider, as defined in 40-6-402.~~

~~(b) The terms do not include the voluntary surrender of a child to the department solely because of parental inability to access publicly funded services.~~

~~(2) "A person responsible for a child's welfare" means:~~

~~(a) the child's parent, guardian, or foster parent or an adult who resides in the same home in which the child resides;~~

~~(b) a person providing care in a day-care facility;~~

~~(c) an employee of a public or private residential institution, facility, home, or agency; or~~

~~(d) any other person responsible for the child's welfare in a residential setting.~~

~~(3) "Abused or neglected" means the state or condition of a child who has suffered child abuse or neglect.~~

~~(4) (a) "Adequate health care" means any medical care or nonmedical remedial health care recognized by an insurer licensed to provide disability insurance under Title 33, including the prevention of the withholding of medically indicated treatment or medically indicated psychological care permitted or authorized under state law.~~

~~(b) This chapter may not be construed to require or justify a finding of child abuse or neglect for the sole reason that a parent or legal guardian, because of religious beliefs, does not provide adequate health care for a child. However, this chapter may not be construed to limit the administrative or judicial authority of the state to ensure that medical care is provided to the child when there is imminent substantial risk of serious harm to the child.~~

~~(5) "Best interests of the child" means the physical, mental, and psychological conditions and needs of the child and any other factor considered by the court to be relevant to the child.~~

~~(6) "Child" or "youth" means any person under 18 years of age.~~

~~(7) (a) "Child abuse or neglect" means:~~

~~(i) actual physical or psychological harm to a child;~~

~~(ii) substantial risk of physical or psychological harm to a child; or~~

~~(iii) abandonment.~~

~~(b) (i) The term includes:~~

~~(A) actual physical or psychological harm to a child or substantial risk of physical or psychological harm to a child by the acts or omissions of a person responsible for the child's welfare;~~

~~(B) exposing a child to the criminal distribution of dangerous drugs, as prohibited by 45-9-101, the criminal production or manufacture of dangerous drugs, as prohibited by 45-9-110, or the operation of an unlawful clandestine laboratory, as prohibited by 45-9-132; or~~

~~(C) any form of child sex trafficking or human trafficking.~~

~~(ii) For the purposes of this subsection (7), "dangerous drugs" means the compounds and substances described as dangerous drugs in Schedules I through IV in Title 50, chapter 32, part 2.~~

~~(c) In proceedings under this chapter in which the federal Indian Child Welfare Act or the Montana Indian Child Welfare Act provided for in Title 41, chapter 3, part 13, are applicable, this term has the same meaning as "serious emotional or physical damage to the child" as used in 25 U.S.C. 1912(f).~~

~~(d) The term does not include:~~

~~(i) self-defense, defense of others, or action taken to prevent the child from self-harm that does not constitute physical or psychological harm to a child; or~~

~~(ii) a youth not receiving supervision solely because of parental inability to control the youth's behavior.~~

~~(8) "Child protection specialist" means an employee of the department who investigates allegations of child abuse, neglect, and endangerment and has been certified pursuant to 41-3-127.~~

~~(9) "Concurrent planning" means to work toward reunification of the child with the family while at the same time developing and implementing an alternative permanent plan.~~

~~(10) "Decline to prosecute" means a decision not to file criminal charges based on the matter reported by the department or investigation by law enforcement for any reason, including but not limited to insufficient evidence.~~

~~(11) "Department" means the department of public health and human services provided for in 2-15-2201.~~

~~(12) "Family engagement meeting" means a meeting that involves family members in either developing treatment plans or making placement decisions, or both.~~

~~(13) "Indian child" has the meaning provided in 41-3-1303.~~

~~(14) "Indian child's tribe" has the meaning provided in 41-3-1303.~~

~~(15) "Indian custodian" has the meaning provided in 41-3-1303.~~

~~(16) "Indian tribe" has the meaning provided in 41-3-1303.~~

~~(17) "Limited emancipation" means a status conferred on a youth by a court in accordance with 41-1-503 under which the youth is entitled to exercise some but not all of the rights and responsibilities of a person who is 18 years of age or older.~~

~~(18) "Parent" means a biological or adoptive parent or stepparent.~~

~~(19) "Parent-child legal relationship" means the legal relationship that exists between a child and the child's birth or adoptive parents, as provided in Title 40, chapter 6, part 2, unless the relationship has been terminated by competent judicial decree as provided in 40-6-234, Title 42, or part 6 of this chapter.~~

~~(20) "Permanent placement" means reunification of the child with the child's parent, adoption, placement with a legal guardian, placement with a fit and willing relative, or placement in another planned permanent living arrangement until the child reaches 18 years of age.~~

~~(21) "Physical abuse" means an intentional act, an intentional omission, or gross negligence resulting in substantial skin bruising, internal bleeding, substantial injury to skin, subdural hematoma, burns, bone fractures, extreme pain, permanent or temporary disfigurement, impairment of any bodily organ or function, or death.~~

~~(22) "Physical neglect" means:~~

~~(a) failure to provide basic necessities, including but not limited to appropriate and adequate nutrition, protective shelter from the elements, and appropriate clothing related to weather conditions;~~

~~(b) failure to provide cleanliness and general supervision, or both;~~

~~(c) exposing or allowing the child to be exposed to an unreasonable physical or psychological risk to the child;~~

~~(d) allowing sexual abuse or exploitation of the child; or~~

~~(e) causing malnutrition or a failure to thrive.~~

~~(23) "Physical or psychological harm to a child" means the harm that occurs whenever the parent or other person responsible for the child's welfare inflicts or allows to be inflicted on the child physical abuse, physical neglect, or psychological abuse or neglect.~~

~~(24) (a) "Protective services" means services provided by the department:~~

~~(i) to enable a child alleged to have been abused or neglected to remain safely in the home;~~

~~(ii) to enable a child alleged to have been abused or neglected who has been removed from the home to safely return to the home; or~~

~~(iii) to achieve permanency for a child adjudicated as a youth in need of care when circumstances and the best interests of the child prevent reunification with parents or a return to the home.~~

~~(b) The term includes emergency protective services provided pursuant to 41-3-301, written prevention plans provided pursuant to 41-3-302, and court-ordered protective services provided pursuant to parts 4 and 6 of this chapter.~~

~~(25) (a) "Psychological abuse or neglect" means severe maltreatment, through acts or omissions, that is injurious to the child's intellectual or psychological capacity to function and that is identified as psychological abuse or neglect by a licensed psychologist, a licensed professional counselor, a licensed clinical social worker, a licensed psychiatrist, a licensed pediatrician,~~

~~or a licensed advanced practice registered nurse with a focused practice in psychiatry.~~

~~(b) The term includes but is not limited to the commission of acts of violence against another person residing in the child's home.~~

~~(c) The term may not be construed to hold a victim responsible for failing to prevent the crime against the victim.~~

~~(26) "Qualified expert witness" as used in cases involving an Indian child in proceedings subject to the federal Indian Child Welfare Act or the Montana Indian Child Welfare Act provided for in Title 41, chapter 3, part 13, means:~~

~~(a) a member of the Indian child's tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to a family organization and child-rearing practices;~~

~~(b) a lay expert witness who has substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing social and cultural standards and child-rearing practices within the Indian child's tribe; or~~

~~(c) a professional person who has substantial education and experience in providing services to children and families and who possesses significant knowledge of and experience with Indian culture, family structure, and child-rearing practices in general.~~

~~(27) "Qualified individual" means a trained professional or licensed clinician who:~~

~~(a) has expertise in the therapeutic needs assessment used for placement of youth in a therapeutic group home;~~

~~(b) is not an employee of the department; and~~

~~(c) is not connected to or affiliated with any placement setting in which children are placed.~~

~~(28) "Reasonable cause to suspect" means cause that would lead a reasonable person to believe that child abuse or neglect may have occurred or is occurring, based on all the facts and circumstances known to the person.~~

~~(29) "Residential setting" means an out-of-home placement where the child typically resides for longer than 30 days for the purpose of receiving food, shelter, security, guidance, and, if necessary, treatment.~~

~~(30) "Safety and risk assessment" means an evaluation by a child protection specialist following an initial report of child abuse or neglect to assess the following:~~

~~(a) the existing threat or threats to the child's safety;~~

~~(b) the protective capabilities of the parent or guardian;~~

~~(c) any particular vulnerabilities of the child;~~

~~(d) any interventions required to protect the child; and~~

~~(e) the likelihood of future physical or psychological harm to the child.~~

~~(31) (a) "Sexual abuse" means the commission of sexual assault, sexual intercourse without consent, aggravated sexual intercourse without consent, indecent exposure, sexual abuse, ritual abuse of a minor, or incest, as described in Title 45, chapter 5.~~

~~(b) Sexual abuse does not include any necessary touching of an infant's or toddler's genital area while attending to the sanitary or health care needs of that infant or toddler by a parent or other person responsible for the child's welfare.~~

~~(32) "Sexual exploitation" means:~~

~~(a) allowing, permitting, or encouraging a child to engage in a prostitution offense, as described in 45-5-601;~~

~~(b) allowing, permitting, or encouraging sexual abuse of children as described in 45-5-625; or~~

~~(c) allowing, permitting, or encouraging sex trafficking as described in 45-5-702, 45-5-705, 45-5-706, or 45-5-711.~~

~~(33) "Therapeutic needs assessment" means an assessment performed by a qualified individual within 30 days of placement of a child in a therapeutic group home that:~~

~~(a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, functional assessment tool;~~

~~(b) determines whether the needs of the child can be met with family members or through placement in a youth foster home or, if not, which appropriate setting would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals for the child as specified in the child's permanency plan; and~~

~~(c) develops a list of child-specific short-term and long-term mental and behavioral health goals.~~

~~(34) "Treatment plan" means a written agreement between the department and the parent or guardian or a court order that includes action that must be taken to resolve the condition or conduct of the parent or guardian that resulted in the need for protective services for the child. The treatment plan may involve court services, the department, and other parties, if necessary, for protective services.~~

~~(35) (a) "Withholding of medically indicated treatment" means the failure to respond to an infant's life-threatening conditions by providing treatment, including appropriate nutrition, hydration, and medication, that, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting the conditions.~~

~~(b) The term does not include the failure to provide treatment, other than appropriate nutrition, hydration, or medication, to an infant when, in the treating physician's or physicians' reasonable medical judgment:~~

~~(i) the infant is chronically and irreversibly comatose;~~

~~(ii) the provision of treatment would:~~

~~(A) merely prolong dying;~~

~~(B) not be effective in ameliorating or correcting all of the infant's life-threatening conditions; or~~

~~(C) otherwise be futile in terms of the survival of the infant; or~~

~~(iii) the provision of treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane. For purposes of this subsection (35), "infant" means an infant less than 1 year of age or an infant 1 year of age or older who has been continuously hospitalized since birth, who was born extremely prematurely, or who has a long-term disability. The reference to less than 1 year of age may not be construed to imply that treatment should be changed or discontinued when an infant reaches 1 year of age or to affect or limit any existing protections available under state laws regarding medical neglect of children 1 year of age or older.~~

~~(36) "Youth in need of care" means a youth who has been adjudicated or determined, after a hearing, to be or to have been abused, neglected, or abandoned. (Terminates June 30, 2025--sec. 55, Ch. 716, L. 2023.)~~

41-3-102. ~~(Effective July 1, 2025)~~ Definitions. As used in this chapter, the following definitions apply:

(1) (a) "Abandon", "abandoned", and "abandonment" mean:

(i) leaving a child under circumstances that make reasonable the belief that the parent does not intend to resume care of the child in the future;

(ii) willfully surrendering physical custody for a period of 6 months and during that period not manifesting to the child and the person having physical custody of the child a firm intention to resume physical custody or to make permanent legal arrangements for the care of the child;

(iii) that the parent is unknown and has been unknown for a period of 90 days and that reasonable efforts to identify and locate the parent have failed; or

(iv) the voluntary surrender, as defined in 40-6-402, by a parent of a newborn who is no more than 30 days old to an emergency services provider, as defined in 40-6-402.

(b) The terms do not include the voluntary surrender of a child to the department solely because of parental inability to access publicly funded services.

(2) "A person responsible for a child's welfare" means:

(a) the child's parent, guardian, or foster parent or an adult who resides in the same home in which the child resides;

(b) a person providing care in a day-care facility;

(c) an employee of a public or private residential institution, facility, home, or agency; or

(d) any other person responsible for the child's welfare in a residential setting.

(3) "Abused or neglected" means the state or condition of a child who has suffered child abuse or neglect.

(4) (a) "Adequate health care" means any medical care or nonmedical remedial health care recognized by an insurer licensed to provide disability insurance under Title 33, including the prevention of the withholding of medically indicated treatment or medically indicated psychological care permitted or authorized under state law.

(b) This chapter may not be construed to require or justify a finding of child abuse or neglect for the sole reason that a parent or legal guardian, because of religious beliefs, does not provide adequate health care for a child. However, this chapter may not be construed to limit the administrative or judicial authority of the state to ensure that medical care is provided to the child when there is imminent substantial risk of serious harm to the child.

(5) "Best interests of the child" means the physical, mental, and psychological conditions and needs of the child and any other factor considered by the court to be relevant to the child.

(6) "Child" or "youth" means any person under 18 years of age.

(7) (a) "Child abuse or neglect" means:

(i) actual physical or psychological harm to a child;

(ii) substantial risk of physical or psychological harm to a child; or

(iii) abandonment.

(b) (i) The term includes:

(A) actual physical or psychological harm to a child or substantial risk of physical or psychological harm to a child by the acts or omissions of a person responsible for the child's welfare;

(B) exposing a child to the criminal distribution of dangerous drugs, as prohibited by 45-9-101, the criminal production or manufacture of dangerous drugs, as prohibited by 45-9-110, or the operation of an unlawful clandestine laboratory, as prohibited by 45-9-132; or

(C) any form of child sex trafficking or human trafficking.

(ii) For the purposes of this subsection (7), "dangerous drugs" means the compounds and substances described as dangerous drugs in Schedules I through IV in Title 50, chapter 32, part 2.

(c) In proceedings under this chapter in which the federal Indian Child Welfare Act is applicable, this term has the same meaning as "serious emotional or physical damage to the child" as used in 25 U.S.C. 1912(f).

(d) The term does not include:

(i) self-defense, defense of others, or action taken to prevent the child from self-harm that does not constitute physical or psychological harm to a child; or

(ii) a youth not receiving supervision solely because of parental inability to control the youth's behavior.

(e) For the purposes of this subsection (7), substance use by a parent or guardian, a child's obesity, disorderly living conditions, or other factors closely related to economic status do not alone constitute "physical or psychological harm to a child".

(8) "Child protection specialist" means an employee of the department who investigates allegations of child abuse, neglect, and endangerment and has been certified pursuant to 41-3-127.

(9) "Concurrent planning" means to work toward reunification of the child with the family while at the same time developing and implementing an alternative permanent plan.

(10) "Decline to prosecute" means a decision not to file criminal charges based on the matter reported by the department or investigation by law enforcement for any reason, including but not limited to insufficient evidence.

(11) "Department" means the department of public health and human services provided for in 2-15-2201.

(12) "Family engagement meeting" means a meeting that involves family members in either developing treatment plans or making placement decisions, or both.

(13) "Indian child" means any unmarried person who is under 18 years of age and who is either:

(a) a member of an Indian tribe; or

(b) eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

(14) "Indian child's tribe" means:

(a) the Indian tribe in which an Indian child is a member or eligible for membership; or

(b) in the case of an Indian child who is a member of or eligible for membership in more than one Indian tribe, the Indian tribe with which the Indian child has the more significant contacts.

(15) "Indian custodian" means any Indian person who has legal custody of an Indian child under tribal law or custom or under state law or to whom temporary physical care, custody, and control have been transferred by the child's parent.

(16) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians recognized by:

(a) the state of Montana; or

(b) the United States secretary of the interior as being eligible for the services provided to Indians or because of the group's status as Indians, including any Alaskan native village as defined in federal law.

(17) "Limited emancipation" means a status conferred on a youth by a court in accordance with 41-1-503 under which the youth is entitled to exercise some but not all of the rights and responsibilities of a person who is 18 years of age or older.

(18) "Parent" means a biological or adoptive parent or stepparent.

(19) "Parent-child legal relationship" means the legal relationship that exists between a child and the child's birth or adoptive parents, as provided

in Title 40, chapter 6, part 2, unless the relationship has been terminated by competent judicial decree as provided in 40-6-234, Title 42, or part 6 of this chapter.

(20) "Permanent placement" means reunification of the child with the child's parent, adoption, placement with a legal guardian, placement with a fit and willing relative, or placement in another planned permanent living arrangement until the child reaches 18 years of age.

(21) "Physical abuse" means an intentional act, an intentional omission, or gross negligence resulting in substantial skin bruising, internal bleeding, substantial injury to skin, subdural hematoma, burns, bone fractures, extreme pain, permanent or temporary disfigurement, impairment of any bodily organ or function, or death.

(22) "Physical neglect" means:

(a) failure to provide basic necessities, including but not limited to appropriate and adequate nutrition, protective shelter from the elements, and appropriate clothing related to weather conditions;

(b) failure to provide cleanliness and general supervision, or both;

(c) exposing or allowing the child to be exposed to an unreasonable physical or psychological risk to the child;

(d) allowing sexual abuse or exploitation of the child; or

(e) causing malnutrition or a failure to thrive.

(23) "Physical or psychological harm to a child" means the harm that occurs whenever the parent or other person responsible for the child's welfare inflicts or allows to be inflicted on the child physical abuse, physical neglect, or psychological abuse or neglect.

(24) (a) "Protective services" means services provided by the department:

(i) to enable a child alleged to have been abused or neglected to remain safely in the home;

(ii) to enable a child alleged to have been abused or neglected who has been removed from the home to safely return to the home; or

(iii) to achieve permanency for a child adjudicated as a youth in need of care when circumstances and the best interests of the child prevent reunification with parents or a return to the home.

(b) The term includes emergency protective services provided pursuant to 41-3-301, written prevention plans provided pursuant to 41-3-302, and court-ordered protective services provided pursuant to parts 4 and 6 of this chapter.

(25) (a) "Psychological abuse or neglect" means severe maltreatment, through acts or omissions, that is injurious to the child's intellectual or psychological capacity to function and that is identified as psychological abuse or neglect by a licensed psychologist, a licensed professional counselor, a licensed clinical social worker, a licensed psychiatrist, a licensed pediatrician, or a licensed advanced practice registered nurse with a focused practice in psychiatry.

(b) The term includes but is not limited to the commission of acts of violence against another person residing in the child's home.

(c) The term may not be construed to hold a victim responsible for failing to prevent the crime against the victim.

(26) "Qualified expert witness" as used in cases involving an Indian child in proceedings subject to the federal Indian Child Welfare Act means:

(a) a member of the Indian child's tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to family organization and child-rearing practices;

(b) a lay expert witness who has substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing social and cultural standards and child-rearing practices within the Indian child's tribe; or

(c) a professional person who has substantial education and experience in providing services to children and families and who possesses significant knowledge of and experience with Indian culture, family structure, and child-rearing practices in general.

(27) "Qualified individual" means a trained professional or licensed clinician who:

(a) has expertise in the therapeutic needs assessment used for placement of youth in a therapeutic group home;

(b) is not an employee of the department; and

(c) is not connected to or affiliated with any placement setting in which children are placed.

(28) "Reasonable cause to suspect" means cause that would lead a reasonable person to believe that child abuse or neglect may have occurred or is occurring, based on all the facts and circumstances known to the person.

(29) "Residential setting" means an out-of-home placement where the child typically resides for longer than 30 days for the purpose of receiving food, shelter, security, guidance, and, if necessary, treatment.

(30) "Safety and risk assessment" means an evaluation by a child protection specialist following an initial report of child abuse or neglect to assess the following:

(a) the existing threat or threats to the child's safety;

(b) the protective capabilities of the parent or guardian;

(c) any particular vulnerabilities of the child;

(d) any interventions required to protect the child; and

(e) the likelihood of future physical or psychological harm to the child.

(31) (a) "Sexual abuse" means the commission of sexual assault, sexual intercourse without consent, aggravated sexual intercourse without consent, indecent exposure, sexual abuse, ritual abuse of a minor, or incest, as described in Title 45, chapter 5.

(b) Sexual abuse does not include any necessary touching of an infant's or toddler's genital area while attending to the sanitary or health care needs of that infant or toddler by a parent or other person responsible for the child's welfare.

(32) "Sexual exploitation" means:

(a) allowing, permitting, or encouraging a child to engage in a prostitution offense, as described in 45-5-601;

(b) allowing, permitting, or encouraging sexual abuse of children as described in 45-5-625; or

(c) allowing, permitting, or encouraging sex trafficking as described in 45-5-702, 45-5-705, 45-5-706, or 45-5-711.

(33) "Therapeutic needs assessment" means an assessment performed by a qualified individual within 30 days of placement of a child in a therapeutic group home that:

(a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, functional assessment tool;

(b) determines whether the needs of the child can be met with family members or through placement in a youth foster home or, if not, which appropriate setting would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with

the short-term and long-term goals for the child as specified in the child's permanency plan; and

(c) develops a list of child-specific short-term and long-term mental and behavioral health goals.

(34) "Treatment plan" means a written agreement between the department and the parent or guardian or a court order that includes action that must be taken to resolve the condition or conduct of the parent or guardian that resulted in the need for protective services for the child. The treatment plan may involve court services, the department, and other parties, if necessary, for protective services.

(35) (a) "Withholding of medically indicated treatment" means the failure to respond to an infant's life-threatening conditions by providing treatment, including appropriate nutrition, hydration, and medication, that, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting the conditions.

(b) The term does not include the failure to provide treatment, other than appropriate nutrition, hydration, or medication, to an infant when, in the treating physician's or physicians' reasonable medical judgment:

(i) the infant is chronically and irreversibly comatose;

(ii) the provision of treatment would:

(A) merely prolong dying;

(B) not be effective in ameliorating or correcting all of the infant's life-threatening conditions; or

(C) otherwise be futile in terms of the survival of the infant; or

(iii) the provision of treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane. For purposes of this subsection (35), "infant" means an infant less than 1 year of age or an infant 1 year of age or older who has been continuously hospitalized since birth, who was born extremely prematurely, or who has a long-term disability. The reference to less than 1 year of age may not be construed to imply that treatment should be changed or discontinued when an infant reaches 1 year of age or to affect or limit any existing protections available under state laws regarding medical neglect of children 1 year of age or older.

(36) "Youth in need of care" means a youth who has been adjudicated or determined, after a hearing, to be or to have been abused, neglected, or abandoned."

Approved April 3, 2025

CHAPTER NO. 59

[SB 22]

AN ACT REVISING MOTOR CARRIER REGULATION LAWS; EXTENDING THE TIMELINE FOR HEARINGS ON AN APPLICATION FOR A MOTOR CARRIER CERTIFICATE; AMENDING SECTION 69-12-321, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 69-12-321, MCA, is amended to read:

"**69-12-321. Hearing on application for motor carrier certificate.** (1) (a) Upon the filing of an application for a certificate by a Class A, Class D, or Class E motor carrier or upon the filing of a request for a transfer of authority, the commission shall provide notice of the application to any interested party.

(b) If a protest or a request for hearing is received, the commission shall fix a time and place for a hearing on the application. The hearing must be set for not later than ~~60~~ *90* days after receipt of a protest or a hearing request. If a protest or a request for hearing is not received, the commission may act on the application without a hearing as prescribed by commission rules.

(c) A protest related to an application by a motor carrier pursuant to 69-12-311(1)(a) or by a Class E motor carrier is limited to a protest of the motor carrier's ability to meet the requirements of 69-12-323(5).

(2) A motor carrier referred to in 69-12-322, the department of transportation, the governing board or boards of any county, town, or city into or through which the route or service as proposed may extend, and any person or corporation concerned are interested parties to the proceedings and may offer testimony for or against the granting of the certificate.

(3) An application by a motor carrier pursuant to 69-12-311(1)(b) or by a Class D motor carrier for a certificate of public convenience and necessity may be denied without a public hearing when the records of the commission demonstrate that the route or territory sought to be served by the applicant has previously been made the basis of a public investigation and finding by the commission that public convenience and necessity do not require the proposed motor carrier service. A hearing must be held if the applicant presents facts demonstrating that conditions over the route or in the territory and affecting transportation facilities have materially changed since the previous public investigation and finding and that public convenience and necessity now require the motor carrier operation."

Section 2. Effective date. [This act] is effective July 1, 2025.

Approved April 3, 2025

CHAPTER NO. 60

[SB 26]

AN ACT ALLOWING LEGISLATORS, JURORS, WITNESSES, COUNTY AGENTS, AND ALL OTHER PERSONS USING THEIR OWN MOTOR VEHICLES TO COLLECT MILEAGE AT A RATE EQUAL TO THE MILEAGE ALLOTMENT ALLOWED BY THE UNITED STATES INTERNAL REVENUE SERVICE FOR THE CURRENT YEAR; AMENDING SECTION 2-18-503, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-18-503, MCA, is amended to read:

"**2-18-503. Mileage -- allowance.** (1) Members of the legislature, state officers and employees, jurors, witnesses, county agents, and all other persons who may be entitled to mileage paid from public funds when using their own motor vehicles in the performance of official duties are entitled to collect mileage for the distance actually traveled by motor vehicle and no more unless otherwise specifically provided by law.

(2) (a) When a state officer or employee is authorized to travel by motor vehicle and chooses to use a privately owned motor vehicle even though a government-owned or government-leased motor vehicle is available, the officer or employee may be reimbursed only at the rate of 48.15% of the mileage rate allowed by the United States internal revenue service for the current year.

(b) When a privately owned motor vehicle is used because a government-owned or government-leased motor vehicle is not available or because the use is in the best interest of the governmental entity and a notice

of unavailability of a government-owned or government-leased motor vehicle or a specific exemption is attached to the travel claim, then a rate equal to the mileage allotment allowed by the United States internal revenue service for the current year must be paid for the first 1,000 miles and 3 cents less per mile for all additional miles traveled within a given calendar month.

(3) ~~Members of the legislature, jurors,~~ *Members of the legislature, jurors,* witnesses, county agents, and all other persons, except a state officer or employee, who may be entitled to mileage paid from public funds when using their own motor vehicles in the performance of official duties are entitled to collect mileage at a rate equal to the mileage allotment allowed by the United States internal revenue service for the current year ~~for the first 1,000 miles and 3 cents less per mile for all additional miles traveled within a given calendar month~~.

(4) Members of the legislature, state officers and employees, jurors, witnesses, county agents, and all other persons who may be entitled to mileage paid from public funds when using their own airplanes in the performance of official duties are entitled to collect mileage for the nautical air miles actually traveled at a rate of twice the mileage allotment for motor vehicle travel and no more unless specifically provided by law.

(5) This section does not alter 5-2-301.

(6) The department of administration shall prescribe policies necessary for the effective administration of this section for state government. The Montana Administrative Procedure Act, Title 2, chapter 4, does not apply to policies prescribed to administer this part."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved April 3, 2025

CHAPTER NO. 61

[SB 51]

AN ACT REVISING TELECOMMUNICATIONS PROVIDER REGISTRATION LAWS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 69-3-805, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 69-3-805, MCA, is amended to read:

"**69-3-805. Registration of telecommunications providers -- *rulemaking*.** (1) Before any person or entity provides telecommunications service within the state of Montana, it shall file ~~with the commission~~ a notice ~~including~~ *with the commission*:.

~~(a) the name, address, and telephone number of the provider;~~

~~(b) the name, address, and telephone number of the person responsible for regulatory contacts and customer dispute resolution on behalf of the provider;~~

~~(c) a description of the provider's existing operations and general service and operating areas in any other jurisdictions;~~

~~(d) a list of the provider's parent, subsidiary, and affiliated companies, together with principal addresses and telephone numbers of each;~~

~~(e) initial tariffs or price lists for regulated telecommunications services, including a narrative description of the regulated telecommunications to be offered and the geographic area and markets to be served;~~

~~(f) a general description of the facilities and equipment that will be used to provide services, including whether the service will be offered on a facilities basis, a resale basis, or a combination of both of them;~~

~~(g) a statement of whether the provider intends to draw from the federal or state universal service fund or other explicit support funds, including a statement of whether the provider intends to seek the commission's designation as an eligible telecommunications carrier;~~

~~(h) disclosure of any formal actions against it by any court or state or federal regulatory agency that resulted in any type of penalty or sanction within the 5 years prior to the date of filing the notice;~~

~~(i) if the provider is other than a corporation, a description of the form of ownership, the names and addresses of all principal owners and managers, the provider's agent for service of process in Montana, and the date of creation of the business entity; and~~

~~(j) other information from regulated telecommunications carriers as the commission may require to accomplish the purposes of this chapter.~~

~~(2) The commission may waive any of the requirements set forth in subsection (1).~~

~~(3)~~*(2)* The provider shall file with the commission a report of any judgment, penalty, or sanction entered in any other jurisdiction that could adversely affect the provider's ability to provide communications services in Montana.

(3) The commission shall adopt rules to implement this section."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved April 3, 2025

CHAPTER NO. 62

[SB 55]

AN ACT PROVIDING LEGISLATIVE INTENT REGARDING STREAMFLOW INFORMATION.

Be it enacted by the Legislature of the State of Montana:

Section 1. Intent. (1) The 2015 state water plan recognizes that improving Montana's water supply and distribution monitoring network improves the ability of water managers and water users to adjust to seasonal supply and demand imbalances as well as plan for longer-term imbalances associated with climate variability.

(2) It is the intent of the legislature to support local, state, and federal efforts and programs to collect and distribute timely and accurate information on Montana streamflows.

(3) The legislature recognizes that streamflow information is collected by numerous state and federal agencies and tribes to meet their statutory responsibilities.

(4) The legislature recognizes that streamflow information collected by state, tribal, and federal entities is critical to the administration of the Montana Water Use Act, distribution of water by decree, water supply planning for municipalities, and implementation of plans and agreements that address irrigation and agricultural uses and locally developed drought, fish habitat, or water supply objectives.

(5) The legislature recognizes it is in the public interest to support and encourage coordination in the collection and distribution of streamflow information.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 85, chapter 2, part 1, and the provisions of Title 85, chapter 2, part 1, apply to [section 1].

Approved April 3, 2025

CHAPTER NO. 63

[SB 73]

AN ACT GENERALLY REVISING LAWS RELATING TO CHILD PROTECTIVE CARE; REQUIRING THE PERSON OR AGENCY WHO PLACES A CHILD IN PROTECTIVE CARE TO NOTIFY PREHEARING CONFERENCE FACILITATORS ABOUT THE PLACEMENT WITHIN 24 HOURS; REQUIRING A PREHEARING CONFERENCE BEFORE AN EMERGENCY PROTECTIVE SERVICES HEARING; AND AMENDING SECTIONS 41-3-301 AND 41-3-307, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 41-3-301, MCA, is amended to read:

"**41-3-301. Emergency protective services.** (1) (a) Any child protection specialist of the department, a peace officer, or the county attorney who has reason to believe any child is in immediate or apparent danger of harm may immediately remove the child and place the child in a protective facility. After ensuring that the child is safe, the department may make a request for further assistance from the law enforcement agency or take appropriate legal action.

(b) The person or agency placing the child shall notify the parents, parent, guardian, or other person having physical or legal custody of the child of the placement at the time the placement is made or as soon after placement as possible. Notification under this subsection (1)(b) must:

(i) include the reason for removal;

(ii) include information regarding the emergency protective services hearing within 5 days under 41-3-306, the required show cause hearing within 20 days, and the purpose of the hearings;

(iii) provide contact information for the child protection specialist, the child protection specialist's supervisor, and the office of state public defender; and

(iv) advise the parents, parent, guardian, or other person having physical or legal custody of the child that the parents, parent, guardian, or other person:

(A) has the right to receive a copy of the affidavit as provided in subsection (6);

(B) has the right to attend and participate in the emergency protective services hearing and the show cause hearing, including providing statements to the judge;

(C) may have a support person present during any meeting with the child protection specialist concerning emergency protective services, including the emergency protective services hearing provided for in 41-3-306; and

(D) may request that the child be placed in a kinship foster home as defined in 52-2-602.

(c) A copy of the notification required under subsection (1)(b) must be provided within 24 hours to *the prehearing conference facilitator provided for in 41-3-307, or another person who conducts prehearing conferences in that district, and to* the office of state public defender.

(2) If a child protection specialist, a peace officer, or the county attorney determines in an investigation of abuse or neglect of a child that the child is in danger because of the occurrence of partner or family member assault, as

provided for in 45-5-206, or strangulation of a partner or family member, as provided for in 45-5-215, against an adult member of the household or that the child needs protection as a result of the occurrence of partner or family member assault or strangulation of a partner or family member against an adult member of the household, the department shall take appropriate steps for the protection of the child, which may include:

(a) making reasonable efforts to protect the child and prevent the removal of the child from the parent or guardian who is a victim of alleged partner or family member assault or strangulation of a partner or family member;

(b) making reasonable efforts to remove the person who allegedly committed the partner or family member assault or strangulation of a partner or family member from the child's residence if it is determined that the child or another family or household member is in danger of partner or family member assault or strangulation of a partner or family member; and

(c) providing services to help protect the child from being placed with or having unsupervised visitation with the person alleged to have committed partner or family member assault or strangulation of a partner or family member until the department determines that the alleged offender has met conditions considered necessary to protect the safety of the child.

(3) If the department determines that an adult member of the household is the victim of partner or family member assault or strangulation of a partner or family member, the department shall provide the adult victim with a referral to a domestic violence program.

(4) A child who has been removed from the child's home or any other place for the child's protection or care may not be placed in a jail.

(5) The department may locate and contact extended family members upon placement of a child in out-of-home care. The department may share information with extended family members for placement and case planning purposes.

(6) If a child is removed from the child's home by the department, a child protection specialist shall submit an affidavit regarding the circumstances of the emergency removal to the county attorney and provide a copy of the affidavit to the office of state public defender and, if possible, the parents or guardian within 2 working days of the emergency removal. An abuse and neglect petition must be filed in accordance with 41-3-422 within 5 working days, excluding weekends and holidays, of the emergency removal of a child unless arrangements acceptable to the agency for the care of the child have been made by the parents or a written prevention plan has been entered into pursuant to 41-3-302.

(7) Except as provided in the federal Indian Child Welfare Act ~~[or the Montana Indian Child Welfare Act provided for in Title 41, chapter 3, part 13]~~, if applicable, a show cause hearing must be held within 20 days of the filing of the petition unless otherwise stipulated by the parties pursuant to 41-3-434.

(8) If the department determines that a petition for immediate protection and emergency protective services must be filed to protect the safety of the child, the child protection specialist shall interview the parents of the child to whom the petition pertains, if the parents are reasonably available, before the petition may be filed. The district court may immediately issue an order for immediate protection of the child.

(9) The department shall make the necessary arrangements for the child's well-being as are required prior to the court hearing. ~~(Bracketed language in subsection (7) terminates June 30, 2025--sec. 55, Ch. 716, L. 2023.)~~"

Section 2. Section 41-3-307, MCA, is amended to read:

"**41-3-307. Availability of prehearing conferences.** (1) ~~The parents, parent, guardian, or other person having physical or legal custody of a child who has been removed from the home pursuant to 41-3-301 may participate in a conference within~~ *A prehearing conference must be held within* 5 days of ~~the~~ *a* child's removal and before an emergency protective services hearing held by the court pursuant to 41-3-306.

(2) A prehearing conference must include the following parties:

(a) the parents, parent, guardian, or other person having physical or legal custody of the child*, if the parents, parent, guardian, or other person chooses to participate*;

(b) the ~~person's~~ legal counsel *of the participant provided for in subsection (2)(a)*;

(c) the child's legal counsel;

~~(c)~~*(d)* the county attorney's office; and

~~(d)~~*(e)* a department social worker.

(3) To the greatest degree possible using available funding, the meetings must be conducted by an independent and trained facilitator.

(4) At a minimum, the meetings must involve discussion of:

(a) the child's current placement and options for continued placement if the child remains out of the home;

(b) whether other options exist for an in-home safety plan or resource that may allow the child to remain in the home;

(c) parenting time schedules; and

(d) treatment services for the family."

Approved April 3, 2025

CHAPTER NO. 64

[SB 75]

AN ACT REVISING STATUTORY CONSTRUCTION BY PROVIDING A PROCEDURE TO AMEND A TERMINATION DATE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Revision of termination date -- conflicting amendments -- no revival of terminated amendment. (1) The termination date of a statute may be revised by amending the session law for the initial legislation that provided for the termination date. There is no limit on the number of times that a termination date may be revised pursuant to this section.

(2) In the event of conflicting revisions to a termination date during the same legislative session, the conflict may be resolved through a coordination instruction. If the conflict is not resolved through a coordination instruction, the revised termination date that falls latest chronologically becomes law and all earlier revised termination dates from the same legislative session are void.

(3) A termination date is not revised through an amendment of session law unless the legislation revising the termination date is effective before the later of the initial termination date or the amended termination date.

(4) As long as the session law of the initial legislation that provided for the termination date is amended in the same enactment, this section does not invalidate the amendment of a termination date when the session law that previously revised the termination date of the initial legislation is also amended.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 1, chapter 2, part 2, and the provisions of Title 1, chapter 2, part 2, apply to [section 1].

Section 3. Effective date. [This act] is effective on passage and approval.

Section 4. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to all legislation passed and approved on or after commencement of the 69th legislative session.

Approved April 3, 2025

CHAPTER NO. 65

[SB 82]

AN ACT ESTABLISHING AN ADJUSTMENT TO BLINDNESS PROGRAM; PROVIDING FOR ELIGIBILITY DETERMINATIONS; PROVIDING FOR INDEPENDENT LIVING SERVICES AND FOR PAYMENT OF THE SERVICES; PROVIDING FOR A RIGHT TO A FAIR HEARING; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Adjustment to blindness program -- purpose. There is an adjustment to blindness program established within the department of public health and human services. The purpose of the program is to help consumers under age 55 who have severe visual impairments to achieve independent living goals.

Section 2. Definitions. As used in [sections 1 through 6], unless the context requires otherwise, the following definitions apply:

(1) "Consumer" means a person with a severe visual impairment who the department has determined is eligible for independent living services.

(2) "Department" means the department of public health and human services provided for in 2-15-2201.

(3) "Independent living" means control over one's life based on choices between acceptable options in a manner that minimizes reliance on others for making decisions and for conducting the activities of daily living.

(4) "Independent living goals" means a consumer's goals to achieve independent living.

(5) "Independent living services" means services and equipment provided by the department to help consumers achieve their independent living goals.

(6) "Severe visual impairment" means a visual disability that, even with correction, remains so severe that it makes daily tasks difficult to perform.

Section 3. Eligibility for services. The department shall determine whether a person is eligible for independent living services based on criteria established by the department through administrative rule as provided in [section 6].

Section 4. Services provided -- evaluation of consumer needs. (1) The department may provide the following independent living services:

(a) outreach;

(b) services, training, and assistive technology to help consumers become more mobile and self-sufficient;

(c) Braille instruction and other services and equipment to help consumers adjust to a severe visual impairment;

(d) independent living skills training;

(e) peer counseling;

(f) guide services and reader services; and

(g) any other appropriate service designed to help consumers achieve their independent living goals.

(2) The department shall evaluate each consumer to determine the independent living services that may help the consumer achieve the consumer's independent living goals.

(3) To the extent that the department determines the program has funds available, the department may provide or pay the cost of independent living services for a consumer. When determining the services to be provided, the department shall consider the financial resources available to the consumer and the needs of other consumers.

Section 5. Fair hearing. A person with a severe visual impairment who applies for or is receiving independent living services under [sections 1 through 6] and is aggrieved by an action or inaction of the department is entitled to a fair hearing in accordance with the rules adopted by the department as provided in [section 6].

Section 6. Rulemaking authority. The department shall adopt rules to implement the provisions of [sections 1 through 6].

Section 7. Codification instruction. [Sections 1 through 6] are intended to be codified as an integral part of Title 53, chapter 7, and the provisions of Title 53, chapter 7, apply to [sections 1 through 6].

Section 8. Effective date. [This act] is effective July 1, 2025.

Approved April 3, 2025

CHAPTER NO. 66

[SB 86]

AN ACT GENERALLY REVISING AUTOMATIC EXTERNAL DEFIBRILLATOR PROGRAM LAWS; REVISING AUTOMATIC EXTERNAL DEFIBRILLATOR USE REQUIREMENTS; REVISING REMEDIES RELATED TO VIOLATION ENFORCEMENT; ELIMINATING RULEMAKING AUTHORITY OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; AMENDING SECTIONS 50-6-501, 50-6-502, 50-6-504, AND 50-6-505, MCA; AND REPEALING SECTION 50-6-503, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 50-6-501, MCA, is amended to read:

"**50-6-501. Definitions.** As used in this part, unless the context indicates otherwise, the following definitions apply:

(1) "Automated external defibrillator" or "AED" means a medical device that:

(a) has received approval for marketing from the U.S. food and drug administration;

(b) is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia and of determining, without intervention by an operator, whether defibrillation should be performed;

(c) upon determining that defibrillation should be performed, automatically charges and indicates that it is ready to deliver an electrical impulse to an individual's heart; and

(d) may be used by an operator of the device to deliver an electrical impulse to an individual's heart.

~~(2) "Department" means the department of public health and human services provided for in 2-15-2201.~~

~~(3) "Emergency medical service" means an emergency medical service as defined by 50-6-302.~~

~~(4)~~*(2)* "Entity" means a public agency, department, office, board, or commission or other governmental organization or a private corporation, partnership, group, or business or other private organization.

~~(5)~~*(3)* "Physician" means an individual licensed to practice medicine pursuant to Title 37, chapter 3, part 3.

~~(6)~~*(4)* "Public safety answering point" means a communications facility operated on a 24-hour basis that first receives 9-1-1 calls from persons in a 9-1-1 service area and that may, as appropriate, directly dispatch public or private safety services or transfer or relay 9-1-1 calls to appropriate public safety agencies."

Section 2. Section 50-6-502, MCA, is amended to read:

"**50-6-502. ~~AED program -- requirements~~ *Requirements* for AED use.** In order for an entity to use or allow the use of an automated external defibrillator, the entity shall:

(1) ~~establish a program for the use of an AED that includes a written plan that complies with this part and rules adopted by the department pursuant to 50-6-503. The plan must specify:~~ *provide written notice of where the AED is to be placed to the public safety answering point for the jurisdiction where the AED is located;*

~~(a) where the AED will be placed;~~

~~(b) the individuals who are authorized to operate the AED;~~

~~(c) how AED use will be coordinated with an emergency medical service providing services in the area where the AED is located;~~

~~(d) the medical oversight that will be provided;~~

~~(e) the maintenance that will be performed on the AED;~~

~~(f) records that will be kept by the program;~~

~~(g) reports that will be made of AED use; and~~

~~(h) other matters as specified by the department;~~

~~(2) adhere to the written plan required by subsection (1);~~

~~(3) ensure that before using the AED, an individual authorized to operate the AED receives appropriate training approved by the department in cardiopulmonary resuscitation and the proper use of an AED;~~

~~(4)~~*(2)* maintain, test, and operate the AED according to the manufacturer's guidelines and maintain written records of all maintenance and testing performed on the AED; *and*

~~(5)~~*(3)* each time an AED is used for an individual in cardiac arrest, require that an emergency medical service is summoned to provide assistance as soon as possible ~~and that the AED use is reported to the department as required by the written plan;~~.

~~(6) before allowing any use of an AED, provide the following to all licensed emergency medical services and any public safety answering point or emergency dispatch center providing services to the area where the AED is located:~~

~~(a) a copy of the plan prepared pursuant to this section; and~~

~~(b) written notice, in a format prescribed by department rules, stating:~~

~~(i) that an AED program is established by the entity;~~

~~(ii) where the AED is located; and~~

~~(iii) how the use of the AED is to be coordinated with the local emergency medical service system; and~~

~~(7) comply with this part and rules adopted by the department pursuant to 50-6-503.~~"

Section 3. Section 50-6-504, MCA, is amended to read:

"**50-6-504. Enforcement ~~-- cessation order -- hearing --~~ injunction.** ~~(1) If the department receives information that an AED is being used in violation of this part or a rule adopted by the department pursuant to 50-6-503, it may send a written order to the entity responsible for use of the AED, as specified in the plan prepared pursuant to 50-6-502, ordering the entity to cease the violation immediately. The order is effective upon receipt by the entity, and the entity shall comply with the terms of the order. If the department receives information that the violation has been corrected, the department may rescind its order by sending a notice to that effect to the entity. The rescission is effective upon its receipt by the entity.~~

~~(2) The entity may request a hearing to contest an order issued by the department pursuant to subsection (1) by submitting a written request to the department within 30 days after receipt of the order. A request for a hearing does not stay the enforceability of the department's order. The hearing must be held within 30 days after the department receives the request, unless the hearings officer sets a later date for good cause. The hearing must be held pursuant to the contested case provisions of the Montana Administrative Procedure Act.~~

~~(3) Either~~ *In the event of a violation of a provision of this part, either* the county attorney for the county in which the violation occurred or the department *of public health and human services* may bring an action in the district court of the county where the violation occurred to ~~enforce the department's order or to~~ directly enjoin ~~a~~ *the* violation ~~of this part or a rule adopted pursuant to 50-6-503~~."

Section 4. Section 50-6-505, MCA, is amended to read:

"**50-6-505. Liability limitations.** (1) An individual who provides emergency care or treatment by using an AED in compliance with this part ~~and rules adopted by the department pursuant to 50-6-503~~ and an individual providing cardiopulmonary resuscitation to an individual upon whom an AED is or may be used are immune from civil liability for a personal injury that results from that care or treatment or from civil liability as a result of any act or failure to act in providing or arranging further medical treatment for the individual upon whom the AED was used unless the individual using the AED or the person providing cardiopulmonary resuscitation, as applicable, acts with gross negligence or with willful or with wanton disregard for the care of the person upon whom the AED is or may be used.

(2) The following individuals or entities are immune from civil liability for any personal injury that results from an act or omission that does not amount to willful or wanton misconduct or gross negligence if applicable provisions of this part ~~and rules adopted by the department pursuant to 50-6-503~~ have been met by the individual or entity:

(a) a person providing medical oversight of the AED program, ~~as designated in the plan prepared pursuant to 50-6-502~~;

(b) the entity responsible for the AED program, ~~as designated in the plan prepared pursuant to 50-6-502~~;

(c) an individual providing training to others on the use of an AED."

Section 5. Repealer. The following section of the Montana Code Annotated is repealed:

50-6-503. Rulemaking.

Approved April 3, 2025

CHAPTER NO. 67

[SB 87]

AN ACT ELIMINATING THE STATE GENERAL ELECTION DAY AS A HOLIDAY FOR LEGISLATIVE EMPLOYEES; PROVIDING FOR AN ANNUAL FLOATING HOLIDAY FOR QUALIFIED LEGISLATIVE EMPLOYEES; REVISING THE DEFINITION OF HOLIDAY; AMENDING SECTIONS 2-18-601 AND 2-18-603, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-18-601, MCA, is amended to read:

"**2-18-601. Definitions.** For the purpose of this part, the following definitions apply:

(1) (a) "Agency" means any legally constituted department, board, or commission of state, county, or city government or any political subdivision of the state.

(b) The term does not mean the state compensation insurance fund.

(2) "Break in service" means a period of time in excess of 5 working days when the person is not employed and that severs continuous employment.

(3) "Common association" means an association of employees established pursuant to 2-18-1310 for the purposes of employer and employee participation in the plan.

(4) "Continuous employment" means working within the same jurisdiction without a break in service of more than 5 working days or without a continuous absence without pay of more than 15 working days.

(5) "Contracting employer" means an employer who, pursuant to 2-18-1310, has contracted with the department of administration to participate in the plan.

(6) "Employee" means any person employed by an agency except elected state, county, and city officials, schoolteachers, members of the instructional or scientific staff of a community college, persons contracted as independent contractors or hired under personal services contracts, and student interns.

(7) "Floating holiday" means an annual scheduled day off with pay as provided for in ~~2-18-603(3)~~ *2-18-603* for an employee of an agency specified in 2-18-101(1) *or for an employee of an entity of the legislative branch consolidated as provided for in 5-2-504.*

(8) "Full-time employee" means an employee who normally works 40 hours a week.

(9) "Holiday" means:

(a) for employees of an agency specified in 2-18-101(1) *and employees of an entity of the legislative branch consolidated, as provided in 5-2-504,* a scheduled day off with pay to observe a legal holiday, as specified in 1-1-216(1)(a) through (1)(k), except Sundays; or

(b) for all other employees, a scheduled day off with pay to observe a legal holiday, as specified in 1-1-216 or 20-1-305, except Sundays.

(10) "Member" means an employee who belongs to a voluntary employees' beneficiary association established under 2-18-1310.

(11) "Part-time employee" means an employee who normally works less than 40 hours a week.

(12) "Permanent employee" means a permanent employee as defined in 2-18-101.

(13) "Plan" means the employee welfare benefit plan established under Internal Revenue Code section 501(c)(9) pursuant to 2-18-1304.

(14) "Seasonal employee" means a seasonal employee as defined in 2-18-101.

(15) "Short-term worker" means:

(a) for the executive and judicial branches, a short-term worker as defined in 2-18-101; or

(b) for the legislative branch, an individual who:

(i) may be hired by a legislative agency without using a competitive process for an hourly wage established by the agency;

(ii) may not work for the agency for more than 6 months in a continuous 12-month period;

(iii) is not eligible for permanent status;

(iv) may not be hired into a permanent position by the agency without a competitive selection process;

(v) is not eligible to earn the leave and holiday benefits provided in this part; and

(vi) may be discharged without cause.

(16) "Sick leave" means a leave of absence with pay for:

(a) a sickness suffered by an employee or a member of the employee's immediate family; or

(b) the time that an employee is unable to perform job duties because of:

(i) a physical or mental illness, injury, or disability;

(ii) maternity or pregnancy-related disability or treatment, including prenatal care, birth, or medical care for the employee or the employee's child;

(iii) parental leave for a permanent employee as provided in 2-18-606;

(iv) quarantine resulting from exposure to a contagious disease;

(v) examination or treatment by a licensed health care provider;

(vi) short-term attendance, in an agency's discretion, to care for a relative or household member not covered by subsection (16)(a) until other care can reasonably be obtained;

(vii) necessary care for a spouse, child, or parent with a serious health condition, as defined in the Family and Medical Leave Act of 1993; or

(viii) death or funeral attendance of an immediate family member or, at an agency's discretion, another person.

(17) "Student intern" means a student intern as defined in 2-18-101.

(18) "Temporary employee" means a temporary employee as defined in 2-18-101.

(19) "Transfer" means a change of employment from one agency to another agency in the same jurisdiction without a break in service.

(20) "Vacation leave" means a leave of absence with pay for the purpose of rest, relaxation, or personal business at the request of the employee and with the concurrence of the employer."

Section 2. Section 2-18-603, MCA, is amended to read:

"**2-18-603. Holidays -- observance when falling on employee's day off -- floating holiday.** (1) (a) A full-time employee who is scheduled for a day off on a day that is observed as a legal holiday, except Sundays, is entitled to receive a day off with pay either on the day preceding the holiday or on another day following the holiday in the same pay period or as scheduled by the employee and the employee's supervisor, whichever allows a day off in addition to the employee's regularly scheduled days off, provided the employee is in a pay status on the employee's last regularly scheduled working day immediately before the holiday or on the employee's first regularly scheduled working day immediately after the holiday.

(b) Part-time employees receive pay for the holiday on a prorated basis according to rules adopted by the department of administration or appropriate administrative officer under 2-18-604.

(c) A short-term worker or student intern may not receive holiday pay.

(2) For purposes of this section, the term "employee" does not include nonteaching school district employees.

(3) According to policies adopted by the department of administration:

(a) each full-time employee of an agency specified in 2-18-101(1) is entitled to one floating holiday each calendar year;

(b) each part-time employee of an agency specified in 2-18-101(1) is entitled to one floating holiday each calendar year that must be calculated proportionately to the floating holiday allowed to a full-time employee;

(c) unused floating holiday leave expires at the end of each calendar year, does not accrue, and is not paid out to employees on termination of employment; and

(d) a short-term worker or student intern may not receive a floating holiday.

(4) According to policies adopted by the legislative branch:

(a) each full-time employee of an entity of the legislative branch consolidated, as provided in 5-2-504, is entitled to one floating holiday each calendar year;

(b) each part-time employee of an entity of the legislative branch consolidated as provided in 5-2-504 is entitled to one floating holiday each calendar year that must be calculated proportionately to the floating holiday allowed to a full-time employee;

(c) unused floating holiday leave expires at the end of each calendar year, does not accrue, and is not paid out to employees on termination of employment; and

(d) a short-term worker or student intern may not receive a floating holiday."

Section 3. Effective date. [This act] is effective July 1, 2025.

Approved April 3, 2025

CHAPTER NO. 68

[SB 88]

AN ACT REVISING LAWS RELATED TO THE PUBLICATION PROCESS OF CERTIFICATE OF NEED LETTERS OF INTENT; AMENDING SECTION 50-5-302, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 50-5-302, MCA, is amended to read:

"**50-5-302. Letter of intent -- application and review process.** (1) The department may adopt rules including but not limited to rules for:

(a) the form and content of letters of intent and applications;

(b) the scheduling of reviews;

(c) the format of public informational hearings and reconsideration hearings;

(d) the circumstances under which applications may be comparatively reviewed; and

(e) the circumstances under which a certificate of need may be approved for the use of hospital beds to provide skilled nursing care, intermediate nursing care, or intermediate developmental disability care to patients or residents needing only that level of care.

(2) At least 30 days before any person or persons acquire or enter into a contract to acquire 50% or more of an existing long-term care facility, they shall submit to the department a letter noting intent to acquire the facility and of the services to be offered in the facility and its bed capacity.

(3) Any person intending to initiate an activity for which a certificate of need is required shall submit a letter of intent to the department.

(4) The department may determine that the proposals should be comparatively reviewed with similar proposals that are also subject to review.

(5) On the 10th day of each month, the department shall publish ~~in a newspaper of general circulation in the area to be served by the proposal~~ *on the department's website* a description of each letter of intent received by the department during the preceding calendar month. Within 30 days of the publication, any person who desires comparative review with a proposal described in the publication must submit a letter of intent requesting comparative review.

(6) The department shall give to each person submitting a letter of intent written notice of the deadline for submission of an application for certificate of need, which will be no less than 30 days after the notice is sent.

(7) Within 20 working days after receipt of an application, the department shall determine whether it is complete and, if the application is found incomplete, shall send a written request to the applicant specifying the necessary additional information and a date by which the additional information must be submitted to the department. The department shall allow at least 15 days after the mailing of its written request for the submission of the additional information. Upon receipt of the additional information from the applicant, the department has an additional 15 working days to determine if the application is complete and, if the application is still incomplete, to send a notice to the applicant that the application is incomplete.

(8) If the applicant fails to submit the necessary additional information requested by the department by the deadline prescribed by the department, the application is considered withdrawn.

(9) If the department fails to send either the request for additional information or the notice of incompleteness required by subsection (7) within the period prescribed in subsection (7), the application is considered to be complete on the last day of the time period during which the notice should have been sent.

(10) The review period for an application may be no longer than 90 calendar days after the application is initially received or, if the application is to be comparatively reviewed as provided in subsection (5), within 90 days after all applications to be comparatively reviewed are received. A longer period is permitted with the consent of all affected applicants.

(11) During the review period a public hearing may be held if requested by an affected person or when considered appropriate by the department.

(12) Each completed application may be considered in relation to other applications pertaining to similar types of facilities affecting the same health service area.

(13) The department shall, after considering all comments received during the review period, issue a certificate of need, with or without conditions, or deny the application. The department shall notify the applicant and affected persons of its decision within 5 working days after expiration of the review period.

(14) If the department fails to reach a decision and notify the applicant of its decision within the deadlines established in this section and if that delay constitutes an abuse of the department's discretion, the applicant may apply to district court for a writ of mandamus to force the department to issue the certificate of need."

Section 2. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 3. Effective date. [This act] is effective July 1, 2025.

Approved April 3, 2025

CHAPTER NO. 69

[SB 144]

AN ACT CHANGING THE NAME OF THE MENTAL HEALTH OVERSIGHT ADVISORY COUNCIL TO THE BEHAVIORAL HEALTH ADVISORY COUNCIL; AND AMENDING SECTION 53-21-702, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 53-21-702, MCA, is amended to read:

"**53-21-702. Mental health care system -- eligibility -- services -- advisory council.** (1) The department of public health and human services shall develop a delivery system of mental health care from providers or other entities that are able to provide administration or delivery of mental health services. The public mental health care system shall:

(a) include specific outcome and performance measures for the administration or delivery of a continuum of mental health services;

(b) provide for local advisory councils that shall report to and meet on a regular basis with the advisory council provided for in subsection (4);

(c) provide level-of-care appeals that are understandable and accessible; and

(d) provide a system for tracking children who need mental health services that are provided under substantive interagency agreements between state agencies responsible for addictive and mental disorders, foster care, children with developmental disabilities, special education, and juvenile corrections.

(2) The department may establish resource and income standards of eligibility for mental health services that are more liberal than the resource and income standards of eligibility for physical health services. The standards of eligibility for mental health services may provide for eligibility for households not eligible for medicaid with family income that does not exceed 160% of the federal poverty threshold or that does not exceed a lesser amount determined at the discretion of the department. The department may by rule specify under what circumstances deductions for medical expenses should be used to reduce countable family income in determining eligibility. The department may also adopt rules establishing fees, premiums, or copayments to be charged recipients for services. The fees, premiums, or copayments may vary according to family income.

(3) The department shall establish the amount, scope, and duration of services to be provided under the program. Services for nonmedicaid-eligible individuals may be more limited than those services provided to medicaid-eligible individuals. Services to nonmedicaid-eligible individuals may include a pharmacy benefit.

(4) (a) The department shall form an advisory council, to be known as the ~~mental health oversight~~ *behavioral health* advisory council, to provide input to the department in the development and management of any public mental health system. The advisory council is not subject to 2-15-122. The advisory council membership must include:

(i) one-half of the members as consumers of mental health services, including persons with serious mental illnesses who are receiving public mental health services, other recipients of mental health services, former recipients of public

mental health services, and immediate family members of recipients of mental health services; and

(ii) advocates for consumers or family members of consumers, members of the public at large, providers of mental health services, legislators, and department representatives.

(b) The advisory council under this section may be administered so as to fulfill any federal advisory council requirements to obtain federal funds for this program.

(c) Geographic representation must be considered when appointing members to the advisory council in order to provide the widest possible representation."

Approved April 3, 2025

CHAPTER NO. 70

[SB 170]

AN ACT ELIMINATING THE TERMINATION DATE OF THE COMMUNITY HEALTH AIDE PROGRAM; AMENDING SECTION 5, CHAPTER 412, LAWS OF 2019; REPEALING SECTION 7, CHAPTER 412, LAWS OF 2019, AND SECTION 1, CHAPTER 298, LAWS OF 2023; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 5, Chapter 412, Laws of 2019, is amended to read:

"**Section 5. Direction to department of public health and human services.** The department of public health and human services is directed to apply to the centers for medicare and medicaid services for a state plan amendment ~~or a research and demonstration project waiver as may be needed~~ to authorize medicaid coverage of services provided by individuals certified in accordance with [section 2]."

Section 2. Repealer. Section 7, Chapter 412, Laws of 2019, and section 1, Chapter 298, Laws of 2023, are repealed.

Section 3. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 4. Effective date. [This act] is effective on passage and approval.

Approved April 3, 2025

CHAPTER NO. 71

[SB 172]

AN ACT REVISING RESORT TAX LAWS; PROVIDING THAT THE ADDITIONAL 1% RESORT TAX MAY BE USED FOR WORKFORCE HOUSING; AND AMENDING SECTIONS 7-6-1503, 7-6-1504, 7-6-1541, AND 7-6-1542, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 7-6-1503, MCA, is amended to read:

"**7-6-1503. Limit on resort tax rate -- goods and services subject to tax.** (1) (a) Except as provided in subsection (1)(b), the rate of the resort tax must be established by the election petition or resolution provided for in 7-6-1504, but the rate may not exceed 3%.

(b) ~~(i) Subject to subsection (1)(b)(ii), an An~~ *Subject to subsection (1)(b)(ii), an* election petition or resolution provided for in 7-6-1504 may provide for an additional resort tax levy at the rate of up to 1%. The revenue from the additional tax must be used to provide funding for infrastructure *or workforce housing*.

~~(ii) A resort community with a population that exceeds the population limit for a resort community in 7-6-1501 may not levy the additional resort tax provided for in subsection (1)(b)(i).~~

(ii) A resort community with a population that exceeds the population limit for a resort community in 7-6-1501 may not levy the additional resort tax provided for in subsection (1)(b)(i) unless the resort community was established before January 1, 2025.

(2) (a) The resort tax is a tax on the retail value of all goods and services sold, except for goods and services sold for resale, within the resort community or area by the following establishments:

(i) hotels, motels, and other lodging or camping facilities;

(ii) restaurants, fast food stores, and other food service establishments;

(iii) taverns, bars, night clubs, lounges, and other public establishments that serve beer, wine, liquor, or other alcoholic beverages by the drink; and

(iv) destination ski resorts and other destination recreational facilities.

(b) Establishments that sell luxuries shall collect a tax on such luxuries."

Section 2. Section 7-6-1504, MCA, is amended to read:

"**7-6-1504. Resort tax -- election required -- procedure -- notice.** (1) A resort community, resort area, or resort area district may not impose or, except as provided in 7-6-1505, amend or repeal a resort tax unless the resort tax question has been approved by a majority of the qualified electors voting on the question.

(2) The resort tax question may be presented to the qualified electors of:

(a) a resort community by a petition of the electors as provided in 7-5-131, 7-5-132, 7-5-134, 7-5-135, and 7-5-137 or by a resolution of the governing body of the resort community;

(b) a resort area by a resolution of the board of county commissioners, following receipt of a petition of electors as provided in 7-6-1508;

(c) an existing resort area district by a resolution of the board of directors of the resort area district in accordance with special district election procedures provided in 13-1-501 through 13-1-505.

(3) If a proposed resort area is in more than one county, the resort tax question must be presented to and approved by the qualified electors in the resort area of each county.

(4) The petition or resolution referring the taxing question must state:

(a) the rate of the resort tax;

(b) the duration of the resort tax;

(c) the date when the tax becomes effective, which date may not be earlier than 35 days after the election; and

(d) the purposes that may be funded by the resort tax revenue. If the petition or resolution includes the additional tax provided for in 7-6-1503(1)(b)~~(i)~~, the revenue from the additional tax must be designated for infrastructure *or workforce housing* and the specific uses must be identified in the petition or resolution. The additional levy for infrastructure authorized under this subsection (4)(d) terminates when the specified infrastructure debts and project costs are paid unless the board submits and the qualified electors approve another levy for infrastructure.

(5) On receipt of an adequate petition, the governing body shall hold an election in accordance with Title 13, chapter 1, part 5.

(6) (a) Before the resort tax question is submitted to the electorate of a resort community or resort area, the governing body of the resort community or the board of county commissioners in the county in which the resort area is located shall provide notice of the goods and services subject to the resort tax by a method described in 13-1-108.

(b) The notice must be given two times, with at least 6 days separating the notices. The first notice must be no more than 45 days prior to the election, and the last notice must be no less than 30 days prior to the election.

(7) Notice of the election must be given as provided in 13-1-108 and include the information listed in subsection (4) of this section.

(8) The question of the imposition of a resort tax may not be placed before the qualified electors more than once in any fiscal year.

(9) The governing body, as defined in 7-6-1505, of a resort area, resort area district, or resort community that already imposes a resort tax may submit to the qualified electors of the resort area, resort area district, or resort community the question of whether to levy the additional resort tax provided for in 7-6-1503(1)(b)~~(i)~~. The election must be noticed as provided in this section and conducted as provided in 13-1-501 through 13-1-505."

Section 3. Section 7-6-1541, MCA, is amended to read:

"**7-6-1541. General powers of resort area district.** (1) A resort area district may:

(a) have perpetual succession;

(b) sue and be sued in any court of competent jurisdiction;

(c) acquire by any legal means real and personal property necessary to the full exercise of its powers;

(d) make contracts, employ labor, and do all acts necessary for the full exercise of its powers; and

(e) issue and repay bonds as provided in 7-6-1542.

(2) (a) Subject to subsection (2)(b), the board of directors for a resort area district that does not have perpetual succession may submit the question of extension of the term of the resort area district directly to the qualified electors in an election conducted in accordance with Title 13, chapter 1, part 5. If the electorate extends the term of the resort area district, the provisions of this part continue to apply.

(b) The board of directors may not submit a question to the qualified electors to extend the term of a resort area district until the expiration of at least one-half of the existing term of the resort tax, as provided for in 7-6-1504. If a vote to extend the term fails, successive votes to extend the term may be taken no more than once each year.

(3) The board of directors may submit to the qualified electors of the resort area district the question of whether to levy the additional resort tax provided for in 7-6-1503(1)(b)~~(i)~~ for infrastructure *or workforce housing*. The election must be noticed as provided in 7-6-1504 and conducted as provided in 13-1-501 through 13-1-505.

(4) The board of directors shall exercise the powers described in 7-6-1533 through 7-6-1536, 7-6-1539 through 7-6-1544, 7-6-1546 through 7-6-1548, and 7-6-1550."

Section 4. Section 7-6-1542, MCA, is amended to read:

"**7-6-1542. Resort area district board powers related to resort tax revenue -- bonds -- election -- restrictions.** (1) The board of directors may:

(a) appropriate and expend revenue from a resort tax for any activity, undertaking, or administrative service authorized in the resolution creating a resort area and adopting a resort tax;

(b) adopt administrative ordinances necessary to aid in the collection or reporting of resort taxes and in the expenditure of resort tax revenue;

(c) except as provided in subsection (2), if approved by four of the five board members, issue bonds to provide, install, or construct any of the public facilities, improvements, or capital projects authorized as provided in subsection (1)(a) and pledge for repayment of the bonds the revenue derived from the resort tax; and

(d) submit to the qualified electors of the resort area district the question of whether to levy the additional resort tax provided for in 7-6-1503(1)(b)~~(i)~~ for infrastructure *or workforce housing*.

(2) Except for bonds pledging resort tax revenue raised from an additional resort tax levy for infrastructure provided for in 7-6-1503(1)(b)~~(i)~~, a resort area district may not issue bonds to construct any single-purpose public facility, improvement, or capital project in an amount exceeding $500,000 without the approval of a majority of the qualified electors voting at an election conducted in accordance with Title 13, chapter 1, part 5.

(3) The provisions of 7-6-1506(3) apply to the issuance of bonds by a resort area district, and the board of directors shall conclude that the projected useful life of the public facilities, improvements, or capital projects will be greater than the term of the bonds that were issued to construct the public facilities, improvements, or capital projects.

(4) Resort tax revenue that is pledged by a resort area district to the repayment of bonds must be sufficient to pay the principal and interest on the bonds in each year when the principal and interest is due. Bonds do not constitute debt for the purpose of any statutory debt limitation. Except for bonds pledging resort tax revenue raised from an additional resort tax levy for infrastructure, a resort area district may not issue bonds pledging proceeds of the resort tax for repayment unless the board of directors in the resolution authorizing issuance of the bonds determines that the annual principal and interest payment on the bonds issued will not cumulatively exceed 25% of the average of resort tax revenue received by the district during the preceding 5 years. Bonds may not be issued for a term longer than the remaining duration of the resort area district.

(5) A resort area district may not commit cumulative annual debt service payments that exceed 70% of the revenue raised from an additional resort tax levy for infrastructure provided for in 7-6-1503(1)(b)~~(i)~~. Debt service payments do not constitute debt for the purpose of any statutory debt limit. The additional resort tax levy for infrastructure may not be collected when the bonded obligation ceases unless the board submits and the qualified electors approve the additional levy for infrastructure as provided in 7-6-1504 and 13-1-501 through 13-1-505.

(6) Debt service payments may not be issued for a term longer than the remaining duration of the resort area district."

Approved April 3, 2025

CHAPTER NO. 72

[HB 118]

AN ACT GENERALLY REVISING THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN; CLARIFYING THE COMMISSION'S AUTHORITY TO DETERMINE AN ANNUAL ASSESSMENT IN AN AMOUNT EQUAL TO A PER-STUDENT AMOUNT

MULTIPLIED BY THE NUMBER OF CHILDREN IN MILITARY FAMILIES IN MONTANA; REVISING CITATIONS TO THE UNITED STATES CODE; AMENDING SECTION 20-1-230, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 20-1-230, MCA, is amended to read:

"**20-1-230. Enactment -- Interstate Compact on Educational Opportunity for Military Children -- provisions.** The Interstate Compact on Educational Opportunity for Military Children is enacted into law and entered into with all other jurisdictions joining in the compact in the form substantially as follows:

ARTICLE I
PURPOSE

(1) It is the purpose of this compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

(a) facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school districts or variations in entrance or age requirements;

(b) facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content, or assessment;

(c) facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities;

(d) facilitating the on-time graduation of children of military families;

(e) providing for the promulgation and enforcement of administrative rules implementing the provisions of this compact;

(f) providing for the uniform collection and sharing of information between and among member states, schools, and military families under this compact;

(g) promoting coordination between this compact and other compacts affecting military children; and

(h) promoting flexibility and cooperation between the educational system, parents, and the student in order to achieve educational success for the student.

(2) The purpose of the legislation and the Interstate Compact is not to supersede the sovereignty of any member state but instead to facilitate the collective exercise of each state's sovereignty to allow a uniform solution without federal intervention. No provision of the Interstate Compact may be construed as a waiver of any state's sovereignty.

ARTICLE II
DEFINITIONS

As used in this compact, unless the context clearly requires a different construction, the following definitions apply:

(1) "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to Title 10, chapters 1209 and 1211, of the United States Code.

(2) "Children of military families" means school-aged children enrolled in kindergarten through 12th grade, in the household of an active duty member.

(3) "Compact commissioner" means the voting representative of each member state appointed pursuant to Article VIII of this compact.

(4) "Deployment" means the period 1 month prior to the service member's departure from the service member's home station on military orders though 6 months after return to the service member's home station.

(5) "Education records" means those official records, files, and data directly related to a student and maintained by the school or local education agency, including but not limited to records encompassing all the material kept in the student's cumulative folder, such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

(6) "Extracurricular activities" means voluntary activities sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include but are not limited to preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

(7) "Interstate Commission on Educational Opportunity for Military Children" or "Interstate Commission" means the commission that is created under Article IX of this compact.

(8) "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through 12th grade public educational institutions.

(9) "Member state" means a state that has enacted this compact.

(10) "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other facility under the jurisdiction of the department of defense, including any leased facility, that is located within any state.

(11) "Nonmember state" means a state that has not enacted this compact.

(12) "Receiving state" means the state to which a child of a military family is sent, brought, or caused to be sent or brought.

(13) "Rule" means a written statement by the Interstate Commission promulgated pursuant to Article XII of this compact that is of general applicability, that implements, interprets, or prescribes a policy or provision of the compact, or that is an organizational, procedural, or practice requirement of the Interstate Commission and has the force and effect of statutory law in a member state. The term includes the amendment, repeal, or suspension of an existing rule.

(14) "Sending state" means the state from which a child of a military family is sent, brought, or caused to be sent or brought.

(15) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. territory.

(16) "Student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through 12th grade.

(17) "Transition" means:

(a) the formal and physical process of transferring from school to school; or

(b) the period of time during which a student moves from one school in the sending state to another school in the receiving state.

(18) "Uniformed service" means the army, navy, air force, marine corps, or coast guard.

(19) "Veteran" means a person who served in the uniformed services and who was discharged or released from service under conditions other than dishonorable.

ARTICLE III
APPLICABILITY

(1) Except as otherwise provided in subsection (3), this compact applies to the children of:

(a) active duty members of the uniformed services as defined in this compact, including members of the national guard and reserve on active duty orders pursuant to Title 10, chapters 1209 and 1211, of the United States Code;

(b) members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of 1 year after medical discharge or retirement; and

(c) members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of 1 year after death.

(2) The provisions of this compact apply only to local education agencies as defined in this compact.

(3) The provisions of this compact do not apply to the children of:

(a) inactive members of the national guard and military reserves;

(b) members of the uniformed services now retired, except as provided in subsection (1);

(c) veterans of the uniformed services, except as provided in subsection (1); and

(d) other U.S. department of defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

ARTICLE IV
EDUCATIONAL RECORDS AND ENROLLMENT

(1) In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records from a local education facility, as defined by federal law, containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records, pending validation by the official records, as quickly as possible.

(2) Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of this request, the school in the sending state shall process and furnish the official education records to the school in the receiving state within 10 days or within a time that is reasonably determined under the rules promulgated by the Interstate Commission.

(3) Receiving states shall give 30 days from the date of enrollment or a time as is reasonably determined under the rules promulgated by the Interstate Commission for students to obtain any immunizations required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within 30 days or within a time that is reasonably determined under the rules promulgated by the Interstate Commission.

(4) Students must be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level, including kindergarten, from a local education agency in the sending state at the time of transition regardless of age. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state must be eligible for enrollment in the next highest grade level in the receiving state

regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on the student's validated level from a school in the sending state.

ARTICLE V

PLACEMENT AND ATTENDANCE

(1) When the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school, educational assessments conducted at the school in the sending state, or both, if the courses are offered and space is available. Course placement includes but is not limited to honors, international baccalaureate, advanced placement, and vocational, technical, and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the courses.

(2) The receiving state school shall initially honor placement of the student in educational programs based on space availability and current educational assessments conducted at the school in the sending state or participation or placement in like programs in the sending state. Such programs include but are not limited to gifted and talented programs. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student. This section does not require a local education agency to create programs or offer services that were not in place prior to the enrollment of the student unless the programs or services are required by federal or state law.

(3) (a) In compliance with the federal requirements of the Individuals with Disabilities Education Act, 20 U.S.C. 1400, et seq., the receiving state shall initially provide comparable services to a student with disabilities based on the student's current individualized education program.

(b) In compliance with the requirements of section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, and with Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. 12131 through 12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II plan, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

(4) Local education agency administrative officials have flexibility in waiving course or program prerequisites or other preconditions for placement in courses or programs offered under the jurisdiction of the local education agency.

(5) A student whose parent or legal guardian is an active duty member of the uniformed services, as defined by the compact, and has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting must be granted additional excused absences at the discretion of the local education agency superintendent to visit with the student's parent or legal guardian relative to the leave or deployment of the parent or guardian.

ARTICLE VI

ELIGIBILITY

(1) A special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law, is sufficient for the

purposes of enrollment and all other actions requiring parental participation and consent.

(2) A local education agency is prohibited from charging local tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

(3) A transitioning military child, placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent may continue to attend the school in which the child was enrolled while residing with the custodial parent.

(4) State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

ARTICLE VII
GRADUATION

In order to facilitate the on-time graduation of children of military families, states and local education agencies shall incorporate the following procedures:

(1) Local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. If a waiver is not granted to a student who would qualify to graduate from the sending state, the local education agency shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

(2) (a) In lieu of testing requirements for graduation in the receiving state, states shall accept:

(i) exit or end-of-course exams required for graduation from the sending state;

(ii) national norm-referenced achievement tests; or

(iii) alternative testing.

(b) In the event that the above alternatives cannot be accommodated by the receiving state for a student transferring to the school during the student's senior year, the provisions of subsection (3) of this article apply.

(3) If a military student transferring at the beginning of or during the student's senior year is ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with subsections (1) and (2) of this article.

ARTICLE VIII
STATE COORDINATION

(1) Each member state shall, through the creation of a state council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies, and military installations concerning the state's participation in and compliance with this compact and Interstate Commission activities. While each member state may determine the membership of its own state council, its membership must, at a minimum, include the state superintendent of public instruction, a superintendent of a school district with a high concentration of military children, a representative from a military installation, one representative each from the legislative and executive branches of government, and other offices and stakeholder groups that the state council considers appropriate.

(2) The state council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

(3) The compact commissioner responsible for the administration and management of the state's participation in the compact must be appointed by the governor or as otherwise determined by each member state.

(4) The compact commissioner and the military family education liaison designated herein are ex-officio members of the state council unless either is already a full voting member of the state council.

ARTICLE IX

INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

The member states hereby create the Interstate Commission on Educational Opportunity for Military Children. The activities of the Interstate Commission are the formation of public policy and are a discretionary state function.

(1) The Interstate Commission is a body corporate and joint agency of the member states and has all the responsibilities, powers, and duties set forth herein and additional powers that may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact.

(2) (a) The Interstate Commission consists of one voting representative from each member state who is that state's compact commissioner.

(b) Each member state represented at a meeting of the Interstate Commission is entitled to one vote.

(c) A majority of the total member states constitute a quorum for the transaction of business unless a larger quorum is required by the bylaws of the Interstate Commission.

(d) A representative may not delegate a vote to another member state. In the event that the compact commissioner is unable to attend a meeting of the Interstate Commission, the governor or state council may delegate voting authority to another person from the state for a specified meeting.

(e) The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication.

(3) The Interstate Commission consists of ex-officio, nonvoting representatives who are members of interested organizations. The ex-officio members, as defined in the bylaws, may include but may not be limited to members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the U.S. department of defense, the education commission of the states, the Interstate Agreement on the Qualification of Educational Personnel, and other interstate compacts affecting the education of children of military members.

(4) The Interstate Commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings.

(5) The Interstate Commission shall establish an executive committee, whose members must include the officers of the Interstate Commission and any other members of the Interstate Commission as determined by the bylaws. Members of the executive committee shall serve 1-year terms. Members of the executive committee are entitled to one vote each. The executive committee has the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of the compact, including enforcement and compliance with the provisions of the compact and its bylaws and rules and other duties considered

necessary. The U.S. department of defense shall serve as an ex-officio, nonvoting member of the executive committee.

(6) The Interstate Commission shall establish bylaws and rules that provide for conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

(7) Public notice must be given by the Interstate Commission of all meetings, and all meetings must be open to the public except as set forth in the rules or as otherwise provided in the compact. The Interstate Commission and its committees may close a meeting or portion thereof if it determines by a two-thirds vote that an open meeting would be likely to:

(a) relate solely to the Interstate Commission's internal personnel;

(b) disclose matters specifically exempted from disclosure by federal and state statute;

(c) disclose trade secrets or commercial or financial information that is privileged or confidential;

(d) involve accusing a person of a crime or formally censuring a person;

(e) disclose information of a personal nature when disclosure would constitute a clearly unwarranted invasion of personal privacy;

(f) disclose investigative records compiled for law enforcement purposes; or

(g) specifically relate to the Interstate Commission's participation in a civil action or other legal proceeding.

(8) For a meeting or portion of a meeting closed pursuant to this provision, the Interstate Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exemptible provision. The Interstate Commission shall keep minutes, which shall fully and clearly describe all matters discussed in a meeting, and shall provide a full and accurate summary of actions taken and the reasons therefore, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action must be identified in the minutes. All minutes and documents of a closed meeting must remain under seal, subject to release by a majority vote of the Interstate Commission.

(9) The Interstate Commission shall collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules, which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements. The methods of data collection, exchange, and reporting must, in so far as is reasonably possible, conform to current technology, and the Interstate Commission shall coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules.

(10) The Interstate Commission shall create a process that permits military officials, education officials, and parents to inform the Interstate Commission if and when there are alleged violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency. This section may not be construed to create a private right of action against the Interstate Commission, any member state, or any local education agency.

ARTICLE X

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The Interstate Commission may:

(1) provide for dispute resolution among member states;

(2) adopt rules that have the force and effect of law and are binding in the compact states to the extent and in the manner provided in this compact and take all necessary actions to effect the goals, purposes, and obligations as enumerated in this compact;

(3) issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact and its bylaws, rules, and actions;

(4) monitor compliance with the compact provisions, the rules adopted by the commission, and the bylaws;

(5) establish and maintain offices, which must be located within one or more of the member states;

(6) purchase and maintain insurance and bonds;

(7) borrow, accept, hire, or contract for services of personnel;

(8) establish and appoint committees, including but not limited to an executive committee as required by subsection (5) of Article IX of this compact, which has the power to act on behalf of the Interstate Commission in carrying out its powers and duties under this compact;

(9) elect or appoint officers, attorneys, employees, agents, or consultants, fix their compensation, define their duties, and determine their qualifications, and establish the Interstate Commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel;

(10) accept any and all donations and grants of money, equipment, supplies, materials, and services and receive, utilize, and dispose of it;

(11) lease, purchase, accept contributions or donations of, or otherwise own, hold, improve, or use any property, whether real, personal, or mixed;

(12) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, whether real, personal, or mixed;

(13) establish a budget and make expenditures;

(14) adopt a seal and bylaws governing the management and operation of the Interstate Commission;

(15) report annually to the legislatures, governors, judiciary, and state councils of the member states concerning the activities of the Interstate Commission during the preceding year. The reports must also include any recommendations that may have been adopted by the Interstate Commission.

(16) coordinate education, training, and public awareness regarding the compact and its implementation and operation for officials and parents involved in such activity;

(17) establish uniform standards for the reporting, collecting, and exchanging of data;

(18) maintain corporate books and records in accordance with the bylaws;

(19) perform functions that may be necessary or appropriate to achieve the purposes of this compact;

(20) provide for the uniform collection and sharing of information between and among member states, schools, and military families under this compact.

ARTICLE XI

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

(1) The Interstate Commission shall, by a majority of the members present and voting, within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including but not limited to:

(a) establishing the fiscal year of the Interstate Commission;

(b) establishing an executive committee and other committees as may be necessary;

(c) providing for the establishment of committees and for governing any general or specific delegation of authority or function of the Interstate Commission;

(d) providing reasonable procedures for calling and conducting meetings of the Interstate Commission and ensuring reasonable notice of each meeting;

(e) establishing the titles and responsibilities of the officers and staff of the Interstate Commission;

(f) providing a mechanism for concluding the operations of the Interstate Commission and the return of surplus funds that may exist upon the termination of the compact after the payment and reserving of all of its debts and obligations;

(g) providing startup rules for initial administration of the compact.

(2) The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice chairperson, and a treasurer, each of whom has authority and duties as specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice chairperson, shall preside at all meetings of the Interstate Commission. The officers shall serve without compensation or remuneration from the Interstate Commission. However, subject to the availability of budgeted funds, the officers must be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the Interstate Commission.

(3) The executive committee has authority and duties as set forth in the bylaws, including but not limited to:

(a) managing the affairs of the Interstate Commission in a manner consistent with the bylaws and purposes of the Interstate Commission;

(b) overseeing an organizational structure and appropriate procedures for the Interstate Commission to provide for the creation of rules, operating procedures, and administrative and technical support functions; and

(c) planning, implementing, and coordinating communications and activities with other state, federal, and local government organizations in order to advance the goals of the Interstate Commission.

(4) The executive committee may, subject to the approval of the Interstate Commission, appoint or retain an executive director for a period, upon terms and conditions, and for compensation as the Interstate Commission considers appropriate. The executive director shall serve as secretary to the Interstate Commission, but may not be a member of the Interstate Commission. The executive director shall hire and supervise other persons as authorized by the Interstate Commission.

(5) The Interstate Commission's executive director and its employees are immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred or that the person had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities. However, that person is not protected from suit or liability for damage, loss, injury, or liability caused by the person's intentional or willful and wanton misconduct.

(6) The liability of the Interstate Commission's executive director and employees or Interstate Commission representatives, acting within the scope of their employment or duties for acts, errors, or omissions occurring within their state, may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the

states for the purposes of any such action. Nothing in this subsection may be construed to protect a person from suit or liability for damage, loss, injury, or liability caused by the person's intentional or willful and wanton misconduct.

(7) The Interstate Commission shall defend the executive director and its employees and, subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an Interstate Commission representative, shall defend the Interstate Commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities if the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of the person.

(8) To the extent not covered by the state involved, the member state, the Interstate Commission, or the representatives or employees of the Interstate Commission must be held harmless in the amount of a settlement or judgment, including attorney fees and costs, obtained against those persons arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities or that the persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities if the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of the persons.

ARTICLE XII

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

(1) The Interstate Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this compact. Notwithstanding the foregoing, in the event the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this compact or the powers granted under the compact, then such an action by the Interstate Commission is invalid and has no force or effect.

(2) Rules must be made pursuant to a rulemaking process that substantially conforms to the Model State Administrative Procedure Act revised as of 2012 as may be appropriate to the operations of the Interstate Commission.

(3) Not later than 30 days after a rule is promulgated, any person may file a petition for judicial review of the rule. However, the filing of a petition does not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and may not find the rule to be unlawful if the rule represents a reasonable exercise of the Interstate Commission's authority.

(4) If a majority of the legislatures of the member states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the compact, then the rule has no further force and effect in any member state.

ARTICLE XIII

OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

(1) Each member state shall enforce this compact to effectuate the compact's purposes and intent.

(2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact that may affect the powers, responsibilities, or actions of the Interstate Commission.

(3) The Interstate Commission is entitled to receive all service of process in any such proceeding and has standing to intervene in the proceeding for all purposes. Failure to provide service of process to the Interstate Commission renders a judgment or order void as to the Interstate Commission, this compact, or promulgated rules.

(4) The purpose of this compact is not to supersede the sovereignty of any member state but instead to facilitate the collective exercise of each state's sovereignty to allow a uniform solution without federal intervention. No provision of the interstate compact may be construed as a waiver of a state's sovereignty.

(5) If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the bylaws or promulgated rules, the Interstate Commission shall:

(a) provide written notice to the defaulting state and other member states of the nature of the default, the means of curing the default, and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state is required to cure its default.

(b) provide remedial training and specific technical assistance regarding the default.

(6) If the defaulting state fails to cure the default, the defaulting state must be terminated from the compact upon an affirmative vote of a majority of the member states and all rights, privileges, and benefits conferred by this compact must be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default, except that in the event of a default by this state, its total financial responsibility is limited to the amount of its most recent annual assessment.

(7) Suspension or termination of membership in the compact may be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate must be given by the Interstate Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

(8) The state that has been suspended or terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of suspension or termination up to a maximum amount of $5,000 multiplied by the number of years that the state has been a member of the compact. In the event that this state is suspended or terminated, its total financial responsibility is limited to the amount of its most recent annual assessment.

(9) The Interstate Commission may not bear any costs relating to any state that has been found to be in default or that has been suspended or terminated from the compact unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

(10) The defaulting state may appeal the action of the Interstate Commission by petitioning the U.S. district court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party must be awarded all costs of litigation, including reasonable attorney fees.

(11) The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes that are subject to the compact and that may arise among member states and between member and nonmember states.

(12) The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

ARTICLE XIV
FINANCING OF THE INTERSTATE COMMISSION

(1) The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff, which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount must be allocated based upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states to the limits as specified herein.

(3) The annual assessment applicable to this state may not exceed an amount equal to the per-student amount determined by the Interstate Commission multiplied by the latest available number of children of military families in this state.

(4) This state may not be held liable for the payment of any special assessment or other assessment other than the annual assessment in the amount established by subsection (3).

(5) The Interstate Commission may not incur obligations of any kind prior to securing the funds adequate to meet those obligations, and the Interstate Commission may not pledge the credit of any of the member states except by and with the authority of the member state.

(6) The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission are subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission must be audited yearly by a certified or licensed public accountant, and the report of the audit must be included in and become part of the annual report of the Interstate Commission.

(7) All expenditures for the state, including withdrawal or dissolution costs, or both, will be determined by the Interstate Commission.

ARTICLE XV
MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

(1) Any state is eligible to become a member state, except that in the case of this state, withdrawal from the compact may also be accomplished by statutorily allowing for expiration of this section.

(2) Withdrawal from the compact must be by the enactment of a statute repealing the compact, except in the case of this state, withdrawal from the compact may also be accomplished by statutorily allowing for the expiration of this section.

(3) The Interstate Commission may propose amendments to the compact for enactment by the member states. An amendment may not become effective and binding upon the Interstate Commission and the member states unless it is enacted into law by unanimous consent of the member states.

ARTICLE XVI
WITHDRAWAL AND DISSOLUTION

(1) Once effective, the compact continues in force and remains binding upon each and every member state. However, a member state may withdraw from the compact by specifically repealing the statute that enacted the compact into law, except that in the case of this state, withdrawal from the compact may also be accomplished by statutorily allowing for expiration of this section.

(2) Withdrawal from this compact must be by the enactment of legislation repealing the compact except in the case of this state, withdrawal from the compact may also be accomplished by statutorily allowing for the expiration of this section.

(3) The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state, except that if this state elects to withdraw from the compact by statutorily allowing for the expiration of this section, this state shall notify the chairperson of the commission when it becomes evident that the expiration will take effect. The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within 60 days of its receipt of the notice.

(4) The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal up to a maximum amount equal to the per-student amount determined by the Interstate Commission multiplied by the latest available number of children of military families in this state.

(5) Reinstatement following withdrawal of a member state may occur upon the withdrawing state reenacting the compact or upon a later date as determined by the Interstate Commission.

(6) (a) This compact dissolves on the date of the withdrawal or default of the member state that reduces the membership in the compact to one member state.

(b) Upon the dissolution of this compact, the compact becomes null and void and is of no further force or effect and the business and affairs of the Interstate Commission must be concluded and surplus funds must be distributed in accordance with the bylaws.

ARTICLE XVII
SEVERABILITY AND CONSTRUCTION

(1) The provisions of this compact are severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact are enforceable.

(2) The provisions of this compact must be liberally construed to effectuate its purposes.

(3) Nothing in this compact may be construed to prohibit the applicability of other interstate compacts to which the states are members.

ARTICLE XVIII
BINDING EFFECT OF COMPACT AND OTHER LAWS

(1) Nothing in this compact prevents the enforcement of any other law of a member state that is not inconsistent with this compact. All member states' laws conflicting with this compact are superseded to the extent of the conflict.

(2) All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states.

(3) All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

(4) In the event that any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, that provision is ineffective to the extent of the conflict with the constitutional provision in question in that member state.

ARTICLE XIX
STATE COUNCIL - CREATION

The state council on educational opportunity for military children must be created and consist of:

(1) the following voting members:

(a) the superintendent of public instruction, who shall serve as the chairperson;

(b) the superintendent of a school district that includes a high concentration of military children, appointed by the governor;

(c) a representative of a military installation, appointed by the governor;

(d) a legislator, appointed by the senate president;

(e) a representative of the executive branch of government, appointed by the governor; and

(f) any other individuals recommended by a majority of the members of the state council listed in subsections (1)(a) through (1)(e); and

(2) the following nonvoting members:

(a) the compact commissioner appointed under Article XX; and

(b) the military family education liaison, appointed under Article XXI.

ARTICLE XX

COMPACT COMMISSIONER - APPOINTMENT AND DUTIES

The governor shall appoint a compact commissioner who is responsible for the administration and management of the state's participation in the compact on educational opportunity for military children.

ARTICLE XXI

MILITARY FAMILY EDUCATION LIAISON - APPOINTMENT AND DUTIES

The state council shall appoint a military family education liaison to assist military families and the state in facilitating the implementation of the compact on educational opportunity for military children.

ARTICLE XXII

PROVISION OF FUNDING - ADJUTANT GENERAL

Each state's equivalent of a department of military affairs under the adjutant general shall pay all expenses incurred by the state to participate in the compact on educational opportunity for military children, including the reimbursement of actual and necessary expenses incurred by members of the state council."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved April 3, 2025

CHAPTER NO. 73

[HB 167]

AN ACT REMOVING THE REQUIREMENT TO POST ABSENTEE LISTS AT POLLING LOCATIONS; AMENDING SECTIONS 13-13-233 AND 13-13-234, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 13-13-233, MCA, is amended to read:

"**13-13-233. Issuing and recording absentee ballots -- certificate to election judges.** (1) Absentee ballots must be official numbered paper ballots beginning with ballot number 1 and following consecutively according to the number of applications for absentee ballots.

(2) The election administrator shall keep a record of all absentee ballots issued.

(3) ~~When the election administrator delivers the voted absentee ballots pursuant to 13-13-232(1), the~~ *The* election administrator shall *keep a record of the following information subject to the appropriate retention schedule* ~~also provide a certificate stating~~:

(a) the ballot numbers of the absentee ballots mailed or transmitted pursuant to 13-13-214, 13-21-106(3)(a), and 13-21-224, delivered pursuant to 13-13-229, or marked in person pursuant to 13-13-222;

(b) the number of ballots to be reserved for late absentee voting pursuant to 13-13-211(2); and

(c) the names of the electors within the precinct to whom the ballots were provided.

~~(4) The chief election judge shall post in a conspicuous location at the polling place a list of the names of electors appearing on the certificate required under subsection (3).~~"

Section 2. Section 13-13-234, MCA, is amended to read:

"**13-13-234. Duty of election judges -- pollbook.** (1) The election judges, at the opening of the polls, shall:

(a) note on the pollbook opposite the appropriate ballot numbers the fact that the ballots were issued as absentee ballots; and

(b) reserve the numbers for electors who may vote late under 13-13-211(2).

(2) The election judges shall insert only the name of the elector entitled to each particular number according to ~~the certificate provided by the election administrator pursuant to 13-13-233(3) and~~ the number of the elector's ballot."

Section 3. Effective date. [This act] is effective on passage and approval.

Approved April 3, 2025

CHAPTER NO. 74

[HB 183]

AN ACT ADOPTING THE PA LICENSURE COMPACT; PROVIDING FOR A COMPACT PRIVILEGE FOR PHYSICIAN ASSISTANTS; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; REQUIRING CRIMINAL BACKGROUND CHECKS FOR LICENSURE; AND AMENDING SECTION 37-20-402, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Enactment -- provisions. The PA licensure compact is enacted into law and entered into with all jurisdictions legally joining the compact, in the form substantially as follows:

SECTION 1

PURPOSE

In order to strengthen access to medical services, and in recognition of the advances in the delivery of medical services, the participating states of the PA licensure compact have allied in common purpose to develop a comprehensive process that complements the existing authority of state licensing boards to license and discipline PAs and seeks to enhance the portability of a license to practice as a PA while safeguarding the safety of patients. This compact allows medical services to be provided by PAs, via the mutual recognition of the licensee's qualifying license by other compact participating states. This compact also adopts the prevailing standard for PA licensure and affirms that the practice and delivery of medical services by the PA occurs where the patient is located at the time of the patient encounter and therefore requires the PA to be under the jurisdiction of the state licensing board where the patient is located. State licensing boards that participate in this compact retain the jurisdiction to impose adverse action against a compact privilege in that state issued to a PA through the procedures of this compact. The PA licensure compact will alleviate burdens for military families by allowing active duty military personnel and their spouses to obtain a compact privilege based on having an unrestricted license in good standing from a participating state.

SECTION 2
DEFINITIONS

(1) "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against a PA license or license application or compact privilege, such as license denial, censure, revocation, suspension, probation, monitoring of the licensee, or restriction on the licensee's practice.

(2) "Compact privilege" means the authorization granted by a remote state to allow a licensee from another participating state to practice as a PA to provide medical services and other licensed activity to a patient located in the remote state under the remote state's laws and regulations.

(3) "Conviction" means a finding by a court that an individual is guilty of a felony or misdemeanor offense through adjudication or entry of a plea of guilt or no contest to the charge by the offender.

(4) "Criminal background check" means the submission of fingerprints or other biometric-based information for a license applicant for the purpose of obtaining that applicant's criminal history record information, as defined in 28 CFR 20.3(d), from the state's criminal history record repository as defined in 28 CFR 20.3(f).

(5) "Data system" means the repository of information about licensees, including but not limited to license status and adverse actions, which is created and administered under the terms of this compact.

(6) "Executive committee" means a group of directors and ex-officio individuals elected or appointed pursuant to section 7(6)(a).

(7) "Impaired practitioner" means a PA whose practice is adversely affected by one or more health-related conditions that impact the PA's ability to practice.

(8) "Investigative information" means information, records, or documents received or generated by a licensing board pursuant to an investigation.

(9) "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of a PA in a state.

(10) "License" means current authorization by a state, other than authorization pursuant to a compact privilege, for a PA to provide medical services that would be unlawful without current authorization.

(11) "Licensee" means an individual who holds a license from a state to provide medical services as a PA.

(12) "Licensing board" means any state entity authorized to license and otherwise regulate PAs.

(13) "Medical services" means health care services provided for the diagnosis, prevention, treatment, cure or relief of a health condition, injury, or disease, as defined by a state's laws and regulations.

(14) "Model compact" means the model for the PA licensure compact on file with the council of state governments or other entity as designated by the commission.

(15) "Participating state" means a state that has enacted this compact.

(16) "PA" means an individual who is licensed as a physician assistant in a state. For purposes of this compact, any other title or status adopted by a state to replace the term "physician assistant" must be deemed synonymous with "physician assistant" and must confer the same rights and responsibilities to the licensee under the provisions of this compact at the time of its enactment.

(17) "PA licensure compact commission," "compact commission," or "commission" means the national administrative body created pursuant to section 7(1) of this compact.

(18) "Qualifying license" means an unrestricted license issued by a participating state to provide medical services as a PA.

(19) "Remote state" means a participating state where a licensee who is not licensed as a PA is exercising or seeking to exercise the compact privilege.

(20) "Rule" means a regulation promulgated by an entity that has the force and effect of law.

(21) "Significant investigative information" means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the PA to respond if required by state law, has reason to believe is not groundless and, if proven true, would indicate more than a minor infraction.

(22) "State" means any state, commonwealth, district, or territory of the United States.

SECTION 3

STATE PARTICIPATION IN THIS COMPACT

(1) To participate in this compact, a participating state shall:

(a) license PAs;

(b) participate in the compact commission's data system;

(c) have a mechanism in place for receiving and investigating complaints against licensees and license applicants;

(d) notify the commission, in compliance with the terms of this compact and commission rules, of any adverse action against a licensee or license applicant and the existence of significant investigative information regarding a licensee or license applicant;

(e) fully implement a criminal background check requirement, within a time frame established by commission rule, by its licensing board receiving the results of a criminal background check and reporting to the commission whether the license applicant has been granted a license;

(f) comply with the rules of the compact commission;

(g) utilize passage of a recognized national exam such as the physician assistant national certifying examination (PANCE) through the national commission on certification of physician assistants (NCCPA) as a requirement for PA licensure;

(h) grant the compact privilege to a holder of a qualifying license in a participating state.

(2) Nothing in this compact prohibits a participating state from charging a fee for granting the compact privilege.

SECTION 4

COMPACT PRIVILEGE

(1) To exercise the compact privilege, a licensee:

(a) must have graduated from a PA program accredited by the accreditation review commission on education for the physician assistant, inc., or other programs authorized by commission rule;

(b) must hold a current NCCPA certification;

(c) must have had no felony or misdemeanor conviction;

(d) must have never had a controlled substance license, permit, or registration suspended or revoked by a state or by the United States drug enforcement administration;

(e) must have a unique identifier as determined by commission rule;

(f) must hold a qualifying license;

(g) must have had no revocation of a license or limitation or restriction on any license currently held due to an adverse action and:

(i) if a licensee has had a limitation or restriction on a license or compact privilege due to an adverse action, 2 years must have elapsed from the date on which the license or compact privilege is no longer limited or restricted due to the adverse action;

(ii) if a compact privilege has been revoked or is limited or restricted in a participating state for conduct that would not be a basis for disciplinary action in a participating state in which the licensee is practicing or applying to practice under a compact privilege, that participating state may have the discretion not to consider the action as an adverse action requiring the denial or removal of a compact privilege in that state;

(h) shall notify the compact commission that the licensee is seeking the compact privilege in a remote state;

(i) must meet any jurisprudence requirement of a remote state in which the licensee is seeking to practice under the compact privilege and pay any fees applicable to satisfying the jurisprudence requirement; and

(j) shall report to the commission any adverse action taken by a nonparticipating state within 30 days after the action is taken.

(2) The compact privilege is valid until the expiration or revocation of the qualifying license unless terminated pursuant to an adverse action. The licensee must also comply with all of the requirements of subsection (1) above to maintain the compact privilege in a remote state. If the participating state takes adverse action against a qualifying license, the licensee must lose the compact privilege in any remote state in which the licensee has a compact privilege until all of the following occur:

(a) the license is no longer limited or restricted; and

(b) 2 years have elapsed from the date on which the license is no longer limited or restricted due to the adverse action.

(3) Once a restricted or limited license satisfies the requirements of subsections (2)(a) and (2)(b), the licensee must meet the requirements of subsection (1) to obtain a compact privilege in any remote state.

(4) For each remote state in which a PA seeks authority to prescribe controlled substances, the PA must satisfy all requirements imposed by such state in granting or renewing such authority.

SECTION 5

DESIGNATION OF THE STATE FROM WHICH LICENSEE IS APPLYING FOR A COMPACT PRIVILEGE

Upon a licensee's application for a compact privilege, the licensee shall identify to the commission the participating state from which the licensee is applying, in accordance with applicable rules adopted by the commission, and subject to the following requirements:

(1) When applying for a compact privilege, the licensee shall provide the commission with the address of the licensee's primary residence and thereafter shall immediately report to the commission any change in the address of the licensee's primary residence.

(2) When applying for a compact privilege, the licensee is required to consent to accept service of process by mail at the licensee's primary residence on file with the commission with respect to any action brought against the licensee by the commission or a participating state, including a subpoena, with respect to any action brought or investigation conducted by the commission or a participating state.

SECTION 6

ADVERSE ACTIONS

(1) A participating state in which a licensee is licensed shall have exclusive power to impose adverse action against the qualifying license issued by that participating state.

(2) (a) In addition to the other powers conferred by state law, a remote state has the authority, in accordance with existing state due process law, to do all of the following:

(i) take adverse action against a PA's compact privilege within that state to remove a licensee's compact privilege or take other action necessary under applicable law to protect the health and safety of its citizens;

(ii) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a participating state for the attendance and testimony of witnesses or the production of evidence from another participating state must be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.

(b) Notwithstanding subsection (2)(a)(ii), subpoenas may not be issued by a participating state to gather evidence of conduct in another state that is lawful in that other state for the purpose of taking adverse action against a licensee's compact privilege or application for a compact privilege in that participating state.

(3) Nothing in this compact authorizes a participating state to impose discipline against a PA's compact privilege or to deny an application for a compact privilege in that participating state for the individual's otherwise lawful practice in another state.

(4) For purposes of taking adverse action, the participating state that issued the qualifying license shall give the same priority and effect to reported conduct received from any other participating state as it would if the conduct had occurred within the participating state that issued the qualifying license. In so doing, that participating state shall apply its own state laws to determine appropriate action.

(5) A participating state, if otherwise permitted by state law, may recover from the affected PA the costs of investigations and disposition of cases resulting from any adverse action taken against that PA.

(6) A participating state may take adverse action based on the factual findings of a remote state, provided that the participating state follows its own procedures for taking the adverse action.

(7) Joint investigations:

(a) In addition to the authority granted to a participating state by its respective state PA laws and regulations or other applicable state law, any participating state may participate with other participating states in joint investigations of licensees.

(b) Participating states must share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under this compact.

(8) If an adverse action is taken against a PA's qualifying license, the PA's compact privilege in all remote states must be deactivated until 2 years have elapsed after all restrictions have been removed from the state license. All disciplinary orders by the participating state which issued the qualifying license that impose adverse action against a PA's license must include a statement that the PA's compact privilege is deactivated in all participating states during the pendency of the order.

(9) If any participating state takes adverse action, it shall promptly notify the administrator of the data system.

SECTION 7

ESTABLISHMENT OF THE PA LICENSURE COMPACT COMMISSION

(1) The participating states hereby create and establish a joint government agency and national administrative body known as the PA licensure compact commission. The commission is an instrumentality of the compact states acting jointly and not an instrumentality of any one state. The commission shall come into existence on or after the effective date of the compact as set forth in section 11(1).

(2) Membership, voting, and meetings:

(a) Each participating state must have and be limited to one delegate selected by that participating state's licensing board or, if the state has more than one licensing board, selected collectively by the participating state's licensing boards.

(b) The delegate must be either:

(i) a current PA, physician or public member of a licensing board or PA council or committee; or

(ii) an administrator of a licensing board.

(c) Any delegate may be removed or suspended from office as provided by the laws of the state from which the delegate is appointed.

(d) The participating state licensing board shall fill any vacancy occurring in the commission within 60 days.

(e) Each delegate is entitled to one vote on all matters voted on by the commission and may otherwise have an opportunity to participate in the business and affairs of the commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telecommunications, videoconference, or other means of communication.

(f) The commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in this compact and the bylaws.

(g) The commission shall establish by rule a term of office for delegates.

(3) The commission has the following powers and duties:

(a) establish a code of ethics for the commission;

(b) establish the fiscal year of the commission;

(c) establish fees;

(d) establish bylaws;

(e) maintain its financial records in accordance with the bylaws;

(f) meet and take such actions as are consistent with the provisions of this compact and the bylaws;

(g) promulgate rules to facilitate and coordinate implementation and administration of this compact. The rules have the force and effect of law and are binding in all participating states.

(h) bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state licensing board to sue or be sued under applicable law is not affected;

(i) purchase and maintain insurance and bonds;

(j) borrow, accept, or contract for services of personnel, including but not limited to employees of a participating state;

(k) hire employees and engage contractors, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(l) accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and receive, utilize, and dispose of the same,

provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest;

(m) lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve, or use, any property, real, personal or mixed, provided that at all times the commission shall avoid any appearance of impropriety;

(n) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property that is real, personal, or mixed;

(o) establish a budget and make expenditures;

(p) borrow money;

(q) appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

(r) provide and receive information from, and cooperate with, law enforcement agencies;

(s) elect a chair, vice chair, secretary, and treasurer and such other officers of the commission as provided in the commission's bylaws;

(t) reserve for itself, in addition to those reserved exclusively to the commission under the compact, powers that the executive committee may not exercise;

(u) approve or disapprove a state's participation in the compact based upon its determination as to whether the state's compact legislation departs in a material manner from the model compact language;

(v) prepare and provide to the participating states an annual report; and

(w) perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of PA licensure and practice.

(4) Meetings of the commission:

(a) All meetings of the commission that are not closed pursuant to this subsection (4) must be open to the public. Notice of public meetings must be posted on the commission's website at least 30 days prior to the public meeting.

(b) Notwithstanding subsection (4)(a) of this section, the commission may convene a public meeting by providing at least 24 hours' prior notice on the commission's website, and any other means as provided in the commission's rules, for any of the reasons it may dispense with notice of proposed rulemaking under section 9(12).

(c) The commission may convene in a closed, nonpublic meeting or nonpublic part of a public meeting to receive legal advice or to discuss:

(i) noncompliance of a participating state with its obligations under this compact;

(ii) the employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(iii) current, threatened, or reasonably anticipated litigation;

(iv) negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

(v) accusing any person of a crime or formally censuring any person;

(vi) disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(vii) disclosure of information of a personal nature when disclosure would constitute a clearly unwarranted invasion of personal privacy;

(viii) disclosure of investigative records compiled for law enforcement purposes;

(ix) disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to this compact;

(x) legal advice; or

(xi) matters specifically exempted from disclosure by federal or participating states' statutes.

(d) If a meeting or portion of a meeting is closed pursuant to this provision, the chairperson of the meeting or the chairperson's designee shall certify that the meeting or portion of the meeting may be closed and shall reference each relevant exempting provision.

(e) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, including a description of the views expressed. All documents considered in connection with an action must be identified in such minutes. All minutes and documents of a closed meeting must remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

(5) Financing the commission:

(a) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(b) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(c) The commission may levy on and collect an annual assessment from each participating state and may impose compact privilege fees on licensees of participating states to whom a compact privilege is granted to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved by the commission each year for which revenue is not provided by other sources. The aggregate annual assessment amount levied on participating states must be allocated based upon a formula to be determined by commission rule.

(i) A compact privilege expires when the licensee's qualifying license in the participating state from which the licensee applied for the compact privilege expires.

(ii) If the licensee terminates the qualifying license through which the licensee applied for the compact privilege before its scheduled expiration and the licensee has a qualifying license in another participating state, the licensee shall inform the commission that it is changing to that participating state the participating state through which it applies for a compact privilege and pay to the commission any compact privilege fee required by commission rule.

(d) The commission may not incur obligations of any kind prior to securing the funds adequate to meet the same, and the commission may not pledge the credit of any of the participating states except by and with the authority of the participating state.

(e) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission are subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission are subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review must be included in and become part of the annual report of the commission.

(6) The executive committee:

(a) The executive committee has the power to act on behalf of the commission according to the terms of this compact and commission rules.

(b) The executive committee must be composed of nine members:

(i) seven voting members who are elected by the commission from the current membership of the commission;

(ii) one ex-officio, nonvoting member from a recognized national PA professional association; and

(iii) one ex-officio, nonvoting member from a recognized national PA certification organization.

(c) The ex-officio members will be selected by their respective organizations.

(d) The commission may remove any member of the executive committee as provided in its bylaws.

(e) The executive committee shall meet at least annually.

(f) The executive committee has the following duties and responsibilities:

(i) recommend to the commission changes to the commission's rules or bylaws, changes to this compact legislation, fees to be paid by compact participating states such as annual dues, and any commission compact fee charged to licensees for the compact privilege;

(ii) ensure compact administration services are appropriately provided, contractual or otherwise;

(iii) prepare and recommend the budget;

(iv) maintain financial records on behalf of the commission;

(v) monitor compact compliance of participating states and provide compliance reports to the commission;

(vi) establish additional committees as necessary;

(vii) exercise the powers and duties of the commission during the interim between commission meetings, except for issuing proposed rulemaking or adopting commission rules or bylaws, or exercising any other powers and duties exclusively reserved to the commission by the commission's rules; and

(viii) perform other duties as provided in the commission's rules or bylaws.

(g) All meetings of the executive committee at which it votes or plans to vote on matters in exercising the powers and duties of the commission must be open to the public, and public notice of such meetings must be given as public meetings of the commission are given.

(h) The executive committee may convene in a closed, nonpublic meeting for the same reasons that the commission may convene in a nonpublic meeting as set forth in section 7(4)(c) and shall announce the closed meeting as the commission is required to under section 7(4)(d) and keep minutes of the closed meeting as the commission is required to under section 7(4)(e).

(7) Qualified immunity, defense, and indemnification:

(a) The members, officers, executive director, employees, and representatives of the commission are immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that nothing in this paragraph may be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the commission may not in any way compromise or limit the immunity granted hereunder.

(b) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or

responsibilities, or as determined by the commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that nothing herein may be construed to prohibit that person from retaining the person's own counsel at the person's own expense, and provided further that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(c) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

(d) Venue is proper and judicial proceedings by or against the commission must be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses in any proceedings as authorized by commission rules.

(e) Nothing herein may be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which must be governed solely by any other applicable state laws.

(f) Nothing herein may be construed to designate the venue or jurisdiction to bring actions for alleged acts of malpractice, professional misconduct, negligence, or other such civil action pertaining to the practice of a PA. All such matters must be determined exclusively by state law other than this compact.

(g) Nothing in this compact may be interpreted to waive or otherwise abrogate a participating state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or anticompetitive law or regulation.

(h) Nothing in this compact may be construed to be a waiver of sovereign immunity by the participating states or by the commission.

SECTION 8

DATA SYSTEM

(1) The commission shall provide for the development, maintenance, operation, and utilization of a coordinated data and reporting system containing licensure, adverse action, and the reporting of the existence of significant investigative information on all licensed PAs and applicants denied a license in participating states.

(2) Notwithstanding any other state law to the contrary, a participating state shall submit a uniform data set to the data system on all PAs to whom this compact is applicable, utilizing a unique identifier, as required by the rules of the commission, including:

(a) identifying information;

(b) licensure data;

(c) adverse actions against a license or compact privilege;

(d) any denial of application for licensure, and the reason or reasons for such denial, excluding the reporting of any criminal history record information where prohibited by law;

(e) the existence of significant investigative information; and

(f) other information that may facilitate the administration of this compact, as determined by the rules of the commission.

(3) Significant investigative information pertaining to a licensee in any participating state may only be available to other participating states.

(4) The commission shall promptly notify all participating states of any adverse action taken against a licensee or an individual applying for a license that has been reported to it. This adverse action information may be available to any other participating state.

(5) Participating states contributing information to the data system may, in accordance with state or federal law, designate information that may not be shared with the public without the express permission of the contributing state. Notwithstanding any such designation, such information may be reported to the commission through the data system.

(6) Any information submitted to the data system that is subsequently expunged pursuant to federal law or the laws of the participating state contributing the information must be removed from the data system upon the reporting of such by the participating state to the commission.

(7) The records and information provided to a participating state pursuant to this compact or through the data system, when certified by the commission or an agent thereof, constitute the authenticated business records of the commission and are entitled to any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative proceedings in a participating state.

SECTION 9

RULEMAKING

(1) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Commission rules are binding as of the date specified by the commission for each rule.

(2) The commission shall promulgate reasonable rules in order to effectively and efficiently implement and administer this compact and achieve its purposes. A commission rule is invalid and does not have force or effect only if a court of competent jurisdiction holds that the rule is invalid because the commission exercised its rulemaking authority in a manner that is beyond the scope of the purposes of this compact, or the powers granted hereunder, or based upon another applicable standard of review.

(3) The rules of the commission have the force of law in each participating state, provided however that where the rules of the commission conflict with the laws of the participating state that establish the medical services a PA may perform in the participating state, as held by a court of competent jurisdiction, the rules of the commission are ineffective in that state to the extent of the conflict.

(4) If a majority of the legislatures of the participating states rejects a commission rule, by enactment of a statute or resolution in the same manner used to adopt this compact within 4 years of the date of adoption of the rule, then such rule has no further force and effect in any participating state or to any state applying to participate in the compact.

(5) Commission rules must be adopted at a regular or special meeting of the commission.

(6) Prior to promulgation and adoption of a final rule or rules by the commission, and at least 30 days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(a) on the website of the commission or other publicly accessible platform;

(b) to persons who have requested notice of the commission's notices of proposed rulemaking; and

(c) in such other ways as the commission may by rule specify.

(7) The notice of proposed rulemaking must include:

(a) the time, date, and location of the public hearing on the proposed rule and the proposed time, date, and location of the meeting in which the proposed rule will be considered and voted upon;

(b) the text of the proposed rule and the reason for the proposed rule;

(c) a request for comments on the proposed rule from any interested person and the date by which written comments must be received; and

(d) the manner in which interested persons may submit notice to the commission of their intention to attend the public hearing or provide any written comments.

(8) Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which must be made available to the public.

(9) If the hearing is to be held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

(a) All persons wishing to be heard at the hearing shall, as directed in the notice of proposed rulemaking, not less than 5 business days before the scheduled date of the hearing notify the commission of their desire to appear and testify at the hearing.

(b) Hearings must be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(c) All hearings must be recorded. A copy of the recording and the written comments, data, facts, opinions, and arguments received in response to the proposed rulemaking must be made available to a person upon request.

(d) Nothing in this section may be construed as requiring a separate hearing on each proposed rule. Proposed rules may be grouped for the convenience of the commission at hearings required by this section.

(10) Following the public hearing, the commission shall consider all written and oral comments timely received.

(11) The commission shall, by majority vote of all delegates, take final action on the proposed rule and shall determine the effective date of the rule, if adopted, based on the rulemaking record and the full text of the rule.

(a) If adopted, the rule must be posted on the commission's website.

(b) The commission may adopt changes to the proposed rule provided the changes do not enlarge the original purpose of the proposed rule.

(c) The commission shall provide on its website an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters.

(d) The commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in subsection (12), the effective date of the rule must be no sooner than 30 days after the commission issued the notice that it adopted the rule.

(12) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with 24 hours' prior notice, without the opportunity for comment or hearing, provided that the usual rulemaking procedures provided in this compact and in this section are retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately by the commission in order to:

(a) meet an imminent threat to public health, safety, or welfare;

(b) prevent a loss of commission or participating state funds;

(c) meet a deadline for the promulgation of a commission rule that is established by federal law or rule; or

(d) protect public health and safety.

(13) The commission or an authorized committee of the commission may direct revisions to a previously adopted commission rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions must be posted on the website of the commission. The revision is subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge must be made as set forth in the notice of revisions and delivered to the commission prior to the end of the notice period. If no challenge is made, the revision takes effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

(14) No participating state's rulemaking requirements may apply under this compact.

SECTION 10

OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

(1) Oversight:

(a) The executive and judicial branches of state government in each participating state shall enforce this compact and take all actions necessary and appropriate to implement the compact.

(b) Venue is proper and judicial proceedings by or against the commission must be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein may affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct, or any such similar matter.

(c) The commission is entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact or the commission's rules and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the commission with service of process renders a judgment or order in such proceeding void as to the commission, this compact, or commission rules.

(2) Default, technical assistance, and termination:

(a) If the commission determines that a participating state has defaulted in the performance of its obligations or responsibilities under this compact or the commission rules, the commission shall provide written notice to the defaulting state and other participating states. The notice must describe the default, the proposed means of curing the default, and any other action that the commission may take and must offer remedial training and specific technical assistance regarding the default.

(b) If a state in default fails to cure the default, the defaulting state may be terminated from this compact upon an affirmative vote of a majority of the delegates of the participating states, and all rights, privileges and benefits conferred by this compact upon such state may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(c) Termination of participation in this compact may be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate must be given by the commission to the governor, to the majority and minority leaders of the defaulting state's legislature, and to the licensing board or boards of each of the participating states.

(d) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(e) The commission may not bear any costs related to a state that is found to be in default or that has been terminated from this compact, unless agreed upon in writing between the commission and the defaulting state.

(f) The defaulting state may appeal its termination from the compact by the commission by petitioning the U.S. district court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member must be awarded all costs of such litigation, including reasonable attorney fees.

(g) Upon the termination of a state's participation in the compact, the state shall immediately provide notice to all licensees within that state of such termination:

(i) Licensees who have been granted a compact privilege in that state must retain the compact privilege for 180 days following the effective date of such termination.

(ii) Licensees who are licensed in that state who have been granted a compact privilege in a participating state must retain the compact privilege for 180 days unless the licensee also has a qualifying license in a participating state or obtains a qualifying license in a participating state before the 180-day period ends, in which case the compact privilege must continue.

(3) Dispute resolution:

(a) Upon request by a participating state, the commission shall attempt to resolve disputes related to this compact that arise among participating states and between participating and nonparticipating states.

(b) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(4) Enforcement:

(a) The commission, in the reasonable exercise of its discretion, shall enforce the provisions of this compact and rules of the commission.

(b) If compliance is not secured after all means to secure compliance have been exhausted, by majority vote, the commission may initiate legal action, in the U.S. district court for the District of Columbia or the federal district where the commission has its principal offices, against a participating state in default to enforce compliance with the provisions of this compact and the commission's promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party must be awarded all costs of such litigation, including reasonable attorney fees.

(c) The remedies herein may not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

(5) Legal action against the commission:

(a) A participating state may initiate legal action against the commission in the U.S. district court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party must be awarded all costs of such litigation, including reasonable attorney fees.

(b) No person other than a participating state may enforce this compact against the commission.

SECTION 11
DATE OF IMPLEMENTATION OF THE PA LICENSURE COMPACT COMMISSION

(1) This compact comes into effect on the date on which this compact statute is enacted into law in the seventh participating state.

(a) On or after the effective date of the compact, the commission shall convene and review the enactment of each of the states that enacted the compact prior to the commission convening ("charter participating states") to determine if the statute enacted by each such charter participating state is materially different than the model compact.

(i) A charter participating state whose enactment is found to be materially different from the model compact is entitled to the default process set forth in section 10(2).

(ii) If any participating state later withdraws from the compact or its participation is terminated, the commission remains in existence and the compact remains in effect even if the number of participating states is fewer than seven. Participating states enacting the compact subsequent to the commission convening are subject to the process set forth in section 7(3)(u) to determine if their enactments are materially different from the model compact and whether they qualify for participation in the compact.

(b) Participating states enacting the compact subsequent to the seven initial charter participating states are subject to the process set forth in section 7(3)(u) to determine if their enactments are materially different from the model compact and whether they qualify for participation in the compact.

(c) All actions taken for the benefit of the commission or in furtherance of the purposes of the administration of the compact prior to the effective date of the compact or the commission coming into existence are considered to be actions of the commission unless specifically repudiated by the commission.

(2) Any state that joins this compact is subject to the commission's rules and bylaws as they exist on the date on which this compact becomes law in that state. Any rule that has been previously adopted by the commission has the full force and effect of law on the day this compact becomes law in that state.

(3) Any participating state may withdraw from this compact by enacting a statute repealing the same.

(a) A participating state's withdrawal does not take effect until 180 days after enactment of the repealing statute. During this 180-day period, all compact privileges that were in effect in the withdrawing state and were granted to licensees licensed in the withdrawing state remain in effect. If any licensee licensed in the withdrawing state is also licensed in another participating state or obtains a license in another participating state within the 180 days, the licensee's compact privileges in other participating states may not be affected by the passage of the 180 days.

(b) Withdrawal does not affect the continuing requirement of the state licensing board or boards of the withdrawing state to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

(c) Upon the enactment of a statute withdrawing a state from this compact, the state shall immediately provide notice of such withdrawal to all licensees within that state. Such withdrawing state shall continue to recognize all licenses granted pursuant to this compact for a minimum of 180 days after the date of such notice of withdrawal.

(4) Nothing contained in this compact may be construed to invalidate or prevent any PA licensure agreement or other cooperative arrangement between

participating states and between a participating state and nonparticipating state that does not conflict with the provisions of this compact.

(5) This compact may be amended by the participating states. No amendment to this compact may become effective and binding upon any participating state until it is enacted materially in the same manner into the laws of all participating states as determined by the commission.

SECTION 12

CONSTRUCTION AND SEVERABILITY

(1) This compact and the commission's rulemaking authority must be liberally construed so as to effectuate the purposes and the implementation and administration of the compact. Provisions of the compact expressly authorizing or requiring the promulgation of rules may not be construed to limit the commission's rulemaking authority solely for those purposes.

(2) The provisions of this compact are severable, and if any phrase, clause, sentence, or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any participating state, of a state seeking participation in the compact, or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this compact and the applicability thereof to any other government, agency, person, or circumstance is not affected thereby.

(3) Notwithstanding subsection (2) or this section, the commission may deny a state's participation in the compact or, in accordance with the requirements of section 10(2), terminate a participating state's participation in the compact if it determines that a constitutional requirement of a participating state is, or would be with respect to a state seeking to participate in the compact, a material departure from the compact. Otherwise, if this compact is held to be contrary to the constitution of any participating state, the compact remains in full force and effect as to the remaining participating states and in full force and effect as to the participating state affected as to all severable matters.

SECTION 13

BINDING EFFECT OF COMPACT

(1) Nothing herein prevents the enforcement of any other law of a participating state that is not inconsistent with this compact.

(2) Any laws in a participating state in conflict with this compact are superseded to the extent of the conflict.

(3) All agreements between the commission and the participating states are binding in accordance with their terms.

Section 2. Section 37-20-402, MCA, is amended to read:

"**37-20-402. Criteria for licensing physician assistant -- *criminal background checks.*** *(1)* A person may not be licensed as a physician assistant in this state unless the person:

~~(1)~~*(a)* is of good moral character;

~~(2)~~*(b)* is a graduate of a physician assistant training program accredited by the accreditation review commission on education for the physician assistant or, if accreditation was granted before 2001, accredited by the American medical association's committee on allied health education and accreditation or the commission on accreditation of allied health education programs; and

~~(3)~~*(c)* has taken and passed an examination administered by the national commission on ~~the~~ certification of physician assistants.

(2) (a) Each applicant for licensure as a physician assistant shall:

(i) submit a full set of the applicant's fingerprints to the board for the purpose of obtaining a state and federal criminal history background check; and

(ii) pay all fees charged for obtaining the state and federal criminal history background check.

(b) The board may require a licensee who is renewing a license to submit a full set of the licensee's fingerprints to the board for the purpose of obtaining a state and federal criminal history background check.

(c) The Montana department of justice may share the fingerprint data obtained under this subsection (2) with the federal bureau of investigation."

Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 37, chapter 20, and the provisions of Title 37, chapter 20, apply to [section 1].

Approved April 3, 2025

CHAPTER NO. 75

[HB 211]

AN ACT ALLOWING OFF-PREMISES BEER AND WINE LICENSES TO DELIVER BEER AND TABLE WINE; CREATING A THIRD-PARTY DELIVERY LICENSE FOR ALCOHOL; ALLOWING AN OFF-PREMISES RETAIL LICENSEE TO HAVE A THIRD-PARTY DELIVERY LICENSEE DELIVER BEER OR TABLE WINE; REQUIRING THE SALE OF ALCOHOL TO THE END CONSUMER; PROVIDING LICENSURE REQUIREMENTS; PROVIDING REQUIREMENTS FOR THE THIRD-PARTY DELIVERY LICENSEE; REVISING LAWS RELATING TO RESPONSIBLE SERVER TRAINING; PROVIDING FOR LICENSING BY THE DEPARTMENT OF REVENUE; PROVIDING FOR PAYMENT OF A FEE; PROVIDING RULEMAKING AUTHORITY; PROVIDING DEFINITIONS; AMENDING SECTIONS 16-4-115, 16-4-501, 16-4-1001, 16-4-1002, 16-4-1003, 16-4-1004, 16-4-1005, 16-4-1007, AND 16-4-1008, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Third-party delivery license -- definitions. (1) An off-premises retail licensee as provided for in 16-4-115 shall sell beer or table wine to the end consumer for personal use only and not for resale. A third-party delivery licensee may not sell beer or table wine to the end consumer. The off-premises retail licensee must have the exclusive authority to determine which beer or table wine is available for delivery and set the prices for these beverages.

(2) (a) The department may issue a third-party delivery license to a third-party delivery applicant if the following requirements are met:

(i) the third-party delivery applicant meets the requirements for an off-premises retail licensee under 16-4-401 to hold a license; and

(ii) the third-party delivery applicant submits an application and pays the initial license fee as provided in 16-4-501.

(b) Third-party delivery licenses may be renewed annually by June 30 if:

(i) the third-party delivery licensee continues to meet the requirements for an off-premises retail licensee under 16-4-401 to hold a license; and

(ii) the third-party delivery licensee submits a renewal form and the annual renewal fee as provided in 16-4-501.

(3) A third-party delivery licensee may only deliver or facilitate the delivery of beer or table wine through drivers who:

(a) are an employee or an independent contractor of the third-party delivery licensee;

(b) are at least 21 years of age;

(c) have a valid driver's license for delivery through a motor vehicle or a valid driver's license or a state-issued identification for delivery through bicycle or other means not a motor vehicle;

(d) have not been convicted of a felony, unless the driver's rights have been restored, or a driving under the influence offense in the past 7 years; and

(e) have completed a responsible server and sales training program or a delivery training program under Title 16, chapter 4, part 10, prior to their first alcohol delivery.

(4) Third-party delivery licensees are subject to the penalties provided in Title 16, chapter 4, part 10.

(5) Any beer or table wine sold by an off-premises retail licensee for delivery by or through a third-party delivery licensee must be removed from the off-premises retail licensee's licensed premises only during the hours in which the off-premises retail licensee is permitted to sell alcoholic beverages. The delivery must be completed within an hour after the time that the off-premises retail licensee is required to end sales of alcoholic beverages.

(6) Any beer or table wine unable to be delivered for any reason must be returned to the licensed premises of the off-premises retail licensee that sold the beer or table wine. The driver shall return the beer or table wine to the off-premises retail licensee prior to or at the end of the delivery route, unless the off-premises retail licensee is closed at the time of return, in which case the driver shall return the beer or table wine as soon as practicable. The third-party delivery licensee shall document and maintain a record of the delivery attempt. Drivers may not be compensated based on whether a delivery of beer or table wine results in a completed delivery transaction.

(7) The person to whom the delivery is made must be at least 21 years of age. The driver shall use an identification scanning software technology or an alternative approved by the department to verify the age of the recipient at the time of delivery.

(8) Deliveries may not be made to anyone who is apparently or obviously intoxicated.

(9) The outer packaging containing the beer or table wine being delivered must clearly indicate that the package contains an alcoholic beverage, unless one of the following conditions is met:

(a) the person delivering the order has personally retrieved and bagged or otherwise packaged the beer or table wine for delivery; or

(b) the driver is notified through electronic or other means that the delivery order contains alcohol and that the recipient must be 21 years of age or older.

(10) Beer or table wine intended for delivery by a motor vehicle must be transported in the rear of the motor vehicle and may not be within the immediate arm's length of the driver or within a separate cargo area.

(11) Beer or table wine intended for delivery by bicycle must be in a closed compartment or otherwise out of reach of the bicycle operator.

(12) A licensee under this section may not deliver or facilitate delivery of beer or table wine to the following locations:

(a) a business licensed to sell alcoholic beverages at retail, with the exception of delivery to individual guest rooms of a lodging facility that is also licensed to sell alcoholic beverages at retail;

(b) a location within the campus of an institution of higher education; or

(c) a property that does not have a permanent address that includes a street name and number.

(13) A licensee under this section that delivers or facilitates the delivery of beer or table wine shall maintain books and records reflecting the date, time, address, and recipient of the alcohol delivery for each delivery, the name and address of the person making the delivery, and the name and business address of the off-premises retail licensee selling the alcoholic beverage. Records must be maintained in either hard copy or electronic format for 3 years. Licensees shall make these books and records available to the department and its investigators on reasonable notice from the department.

(14) An off-premises retail licensee may utilize the services of a third-party delivery licensee by means of the telephone, the internet, a mobile application, or other electronic means to facilitate the ordering or delivery of beer or table wine from inventory located at the off-premises retail licensee's licensed premises.

(15) An off-premises retail licensee is not subject to violations of this section that arise out of the delivery of beer or table wine delivered by a third-party delivery licensee.

(16) A violation of this code by a third-party delivery licensee or its drivers subjects the third-party delivery licensee to penalties as provided in 16-4-406.

(17) Nothing in this section may be construed to require a technology services company to obtain a third-party delivery license if the company does not employ or contract with delivery drivers and instead provides software or an application that connects consumers and off-premises retail licensees for the delivery of beer or table wine from the off-premises retail licensee.

(18) A third-party delivery license is not required for a common carrier lawfully transporting or shipping alcoholic beverages.

(19) The third-party delivery licensee shall maintain a general liability insurance policy in an amount of no less than $1 million for each occurrence with a $2 million aggregate.

(20) The department may adopt rules to implement this section.

(21) As used in this section, the following definitions apply:

(a) "Third-party delivery license" means a license issued by the department to a third-party delivery licensee for the delivery of beer or table wine.

(b) "Third-party delivery licensee" means a person who offers a service to deliver or facilitate the delivery of, but not to buy or sell, beer or table wine in original packaging from an off-premises retail licensee issued a license under 16-4-115 and enters into a written agreement with the off-premises retail licensee for the purpose of delivering beer or table wine sold by the off-premises retail licensee.

Section 2. Section 16-4-115, MCA, is amended to read:

"**16-4-115. Beer and wine licenses for off-premises consumption -- *third-party delivery -- own delivery for grocery stores.*** (1) A retail license to sell beer or table wine, or both, in the original packages for off-premises consumption may be issued only to individuals or entities qualified for licensure under 16-4-401. If the premises proposed for licensing are operated in conjunction with another business, that business must be a grocery store or drugstore licensed as a pharmacy. The number of licenses that the department may issue is not limited by the provisions of 16-4-105 but must be determined by the department in the exercise of its sound discretion, and the department may in the exercise of its sound discretion grant or deny an application for any license or suspend or revoke any license for cause.

(2) On receipt of a completed application for a license under this section, accompanied by the necessary license fee as provided in 16-4-501, the department shall request that the department of justice make a background investigation of all matters relating to the application.

(3) Based on the results of the investigation or in exercising its sound discretion as provided in subsection (1), the department shall determine whether:

(a) the applicant is qualified to receive a license;

(b) the applicant's premises are suitable for the carrying on of the business; and

(c) the requirements of this code and the rules promulgated by the department are met and complied with.

(4) License applications submitted under this section are not subject to the provisions of 16-4-203 and 16-4-207.

(5) A license issued under this section may offer curbside pickup between 8 a.m. and 2 a.m. in original packaging.

(6) An off-premises retail licensee may use a third-party delivery licensee to deliver beer and table wine as provided in [section 1].

(7) (a) A retail licensee who qualifies for licensure under 16-4-401 as an off-premises retail licensee that operates in conjunction with a grocery store or drugstore licensed as a pharmacy with a license to sell beer and table wine in original packaging may apply to the department and pay a fee for an endorsement to deliver beer and table wine in original packaging. Deliveries under this subsection (7) may be made only to a residential or commercial address. An off-premises retail licensee under this section may only deliver beer or table wine through drivers who:

(i) are an employee of the licensee or an independent contractor of the retail licensee;

(ii) are at least 21 years of age;

(iii) have a valid driver's license for delivery through a motor vehicle or a valid driver's license or a state-issued identification for delivery through bicycle or other means not a motor vehicle;

(iv) have not been convicted of a felony, unless the driver's rights have been restored, or a driving under the influence offense in the past 7 years; and

(v) have completed a responsible server and sales training program or a delivery training program under Title 16, chapter 4, part 10, prior to their first alcohol delivery.

(b) Any beer or table wine sold by the off-premises retail licensee for delivery must be removed from the off-premises retail licensee's licensed premises only during the hours in which the off-premises retail licensee is permitted to sell alcoholic beverages. The delivery must be completed within an hour after the time that the off-premises retail licensee is required to end sales of alcoholic beverages.

(c) Any beer or table wine unable to be delivered for any reason must be returned to the licensed premises of the off-premises retail licensee that sold the beer or table wine. The driver shall return the beer or table wine to the off-premises retail licensee prior to or at the end of the delivery route, unless the off-premises retail licensee is closed at the time of return, in which case the driver shall return the beer or table wine as soon as practicable. The third-party delivery licensee shall document and maintain a record of the delivery attempt. Drivers may not be compensated based on whether a delivery of beer or table wine results in a completed delivery transaction.

(d) The person to whom the delivery is made must be at least 21 years of age. The driver shall use an identification scanning software technology or an alternative approved by the department to verify the age of the recipient at the time of delivery.

(e) Deliveries may not be made to anyone who is apparently or obviously intoxicated.

(f) The outer packaging containing the beer or table wine being delivered must clearly indicate that the package contains an alcoholic beverage, unless one of the following conditions is met:

(i) the person delivering the order has personally retrieved and bagged or otherwise packaged the beer or table wine for delivery; or

(ii) the driver is notified through electronic or other means that the delivery order contains alcohol and that the recipient must be 21 years of age or older.

(g) Beer or table wine intended for delivery by a motor vehicle must be transported in the rear of the motor vehicle and may not be within the immediate arm's length of the driver or within a separate cargo area.

(h) Beer or table wine intended for delivery by bicycle must be in a closed compartment or otherwise out of reach of the bicycle operator.

(i) A off-premises retail licensee under this section may not deliver or facilitate delivery of beer or table wine to the following locations:

(i) a business licensed to sell alcoholic beverages at retail, with the exception of delivery to individual guest rooms of a lodging facility that is also licensed to sell alcoholic beverages at retail;

(ii) a location within the campus of an institution of higher education; or

(iii) a property that does not have a permanent address that includes a street name and number.

(j) An off-premises retail licensee under this section that delivers or facilitates the delivery of beer or table wine shall maintain books and records reflecting the date, time, address, and recipient of the alcohol delivery for each delivery, the name and address of the person making the delivery, and the name and business address of the off-premises retail licensee selling the alcoholic beverage. Records must be maintained in either hard copy or electronic format for 3 years. Off-premises retail licensees shall make these books and records available to the department and its investigators on reasonable notice from the department."

Section 3. Section 16-4-501, MCA, is amended to read:

"**16-4-501. License and permit fees.** (1) Each beer licensee licensed to sell either beer or table wine only or both beer and table wine under the provisions of this code shall pay a license fee. Unless otherwise specified in this section, the fee is an annual fee and is imposed as follows:

(a) (i) each brewer and each beer importer, wherever located, whose product is sold or offered for sale within the state, $500;

(ii) for each storage depot, $400;

(b) (i) each license for selling and distributing beer, table wine, or sacramental wine at wholesale to licensed retailers or table wine to agency liquor stores under 16-4-113, $400; each winery, $200;

(ii) for each subwarehouse and winery storage depot, $400;

(c) each beer and wine retailer, $400;

(d) (i) for a license to sell beer at retail for off-premises consumption only, $200;

(ii) for a license to sell table wine at retail for off-premises consumption only, either alone or in conjunction with beer, $200;

(e) any unit of a nationally chartered veterans' organization, $50.

(2) The permit fee under 16-4-301(1) is computed at the following rate:

(a) $10 a day for each day that beer and table wine are sold at events, activities, or sporting contests, other than those applied for pursuant to 16-4-301(1)(c); and

(b) $1,000 a season for professional sporting contests or junior hockey contests held under the provisions of 16-4-301(1)(c).

(3) The permit fee under 16-4-301(2) is $10 for the sale of beer and table wine only or $20 for the sale of all alcoholic beverages.

(4) Passenger carrier licenses must be issued on payment by the applicant of an annual license fee in the sum of $300.

(5) The annual renewal fee for:

(a) a brewer producing 10,000 or fewer barrels of beer, as defined in 16-1-406, is $200;

(b) resort retail all-beverages licenses within a given resort area is $2,000 for each license; and

(c) a continuing care retirement community limited all-beverages license is $500 for each license.

(6) Except as provided in this section, each licensee licensed under the quotas of 16-4-201 shall pay an annual license fee as follows:

(a) for each license outside of incorporated cities and incorporated towns or in incorporated cities and incorporated towns with a population of less than 2,000, $250 for a unit of a nationally chartered veterans' organization and $400 for all other licensees;

(b) for each license in incorporated cities with a population of more than 2,000 and less than 5,000 or within a distance of 5 miles, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city, $350 for a unit of a nationally chartered veterans' organization and $500 for all other licensees;

(c) for each license in incorporated cities with a population of more than 5,000 and less than 10,000 or within a distance of 5 miles, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city, $500 for a unit of a nationally chartered veterans' organization and $650 for all other licensees;

(d) for each license in incorporated cities with a population of 10,000 or more or within a distance of 5 miles, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city, $650 for a unit of a nationally chartered veterans' organization and $800 for all other licensees;

(e) the distance of 5 miles from the corporate limits of any incorporated cities and incorporated towns is measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city or town; and where the premises of the applicant to be licensed are situated within 5 miles of the corporate boundaries of two or more incorporated cities or incorporated towns of different populations, the license fee chargeable by the larger incorporated city or incorporated town applies and must be paid by the applicant. When the premises of the applicant to be licensed are situated within an incorporated town or incorporated city and any portion of the incorporated town or incorporated city is without a 5-mile limit, the license fee chargeable by the smaller incorporated town or incorporated city applies and must be paid by the applicant.

(f) an applicant for the issuance of a resort retail all-beverages license shall pay a $100,000 license fee on issuance of the license. The resort retail all-beverages license may be transferred to another location within the boundaries of the resort area or to another owner to be used at a location within the boundaries of the resort area.

(7) The fee for one all-beverages license to a public airport is $800. This license is nontransferable.

(8) The annual fee for a retail beer and wine license to the Yellowstone airport is $400.

(9) The annual fee for a special beer and table wine license for a nonprofit arts organization under 16-4-303 is $250.

(10) (a) The annual fee for a distillery is $600.

(b) The annual fee for each distillery storage depot is $400.

(11) The initial and annual fee for a third-party delivery license under [section 1] is $1,000.

~~(11)~~*(12)* The license fees provided in this section are exclusive of and in addition to other license fees chargeable in Montana for the sale of alcoholic beverages.

~~(12)~~*(13)* In addition to other license fees, the department may require a licensee to pay a late fee of 33 1/3% of any license fee delinquent on July 1 of the renewal year or 1 year after the licensee's anniversary date, 66 2/3% of any license fee delinquent on August 1 of the renewal year or 1 year and 1 month after the licensee's anniversary date, and 100% of any license fee delinquent on September 1 of the renewal year or 1 year and 2 months after the licensee's anniversary date.

~~(13)~~*(14)* All license and permit fees collected under this section must be deposited as provided in 16-2-108."

Section 4. Section 16-4-1001, MCA, is amended to read:

"**16-4-1001. Short title.** This part may be cited as the "Responsible Alcohol Sales, ~~and~~ Service*, and Delivery* Act"."

Section 5. Section 16-4-1002, MCA, is amended to read:

"**16-4-1002. Legislative intent.** It is the intent of this part that retail establishments and manufacturers licensed to sell or serve alcoholic beverages to the public *and third-party delivery services licensed to deliver or facilitate the delivery of alcoholic beverages to the public* ensure that all licensees*,* ~~and~~ their employees*, and independent contractors* that sell*,* ~~or~~ serve*, or deliver* alcoholic beverages are appropriately trained to comply with state law prohibiting the sale*,* ~~or~~ service*, or delivery* of alcoholic beverages to persons under 21 years of age and to persons who are intoxicated. This part does not apply to special permits issued under 16-4-301."

Section 6. Section 16-4-1003, MCA, is amended to read:

"**16-4-1003. Definition.** As used in this part, "licensee" means a person or entity licensed by the department to sell alcoholic beverages at retail for either on-premises or off-premises consumption *or to deliver or facilitate the delivery of alcoholic beverages*."

Section 7. Section 16-4-1004, MCA, is amended to read:

"**16-4-1004. Notification -- violation -- penalty.** (1) A licensee shall certify annually on its license renewal form that the licensee is in compliance with the provisions of this part.

(2) A license renewal form that falsely includes information that the licensee*,* ~~and all~~ *their* employees*, or independent contractors* have been trained pursuant to this part is a violation of this code.

(3) If, after an investigation under 16-4-406, a licensee is determined to have violated subsection (2) of this section, the licensee must be assessed an administrative penalty under 16-4-406 or the penalty for false swearing under 45-7-202."

Section 8. Section 16-4-1005, MCA, is amended to read:

"**16-4-1005. Licensees required to ensure training.** A licensee shall:

(1) require each employee who is authorized to sell, serve, or deliver alcoholic beverages in the normal course of employment and the employee's immediate supervisor to successfully complete training to ensure compliance with state law regarding the sale*,* ~~and~~ service*, or delivery* of alcoholic beverages. ~~The~~ *Except as provided in [section 1],* training must be completed within 60 days of the employee's date of hire*, or for existing employees of a newly licensed business, within 60 days of the date of licensure,* and every 3 years after the employee's initial training.

(2) maintain employment records verifying employee completion of the training required in subsection (1)."

Section 9. Section 16-4-1007, MCA, is amended to read:

"**16-4-1007. Jurisdiction.** The implementation and enforcement of any mandatory server*,* ~~and~~ sales*, and delivery* training programs in this state is under the exclusive authority and jurisdiction of the department."

Section 10. Section 16-4-1008, MCA, is amended to read:

"**16-4-1008. Penalty.** (1) A licensee found as a result of a routine check for compliance with 16-3-301, 16-6-304, ~~or~~ 16-6-305*, or [section 1]* to be out of compliance with 16-4-1005 shall pay a $50 penalty for a first offense, a $200 penalty for a second offense, and a $350 penalty for a third offense in a 3-year period. The fine must be paid to the department and deposited in the enterprise fund to the credit of the department for administration of this part.

(2) The department shall consider the following as mitigating circumstances before taking an action pursuant to 16-4-406 against a licensee who is not in compliance with the provisions of this part:

(a) the licensee's prior violation history;

(b) the licensee's good faith effort to prevent a violation;

(c) the existence of written policies governing employee conduct; and

(d) whether the evidence of a violation was based solely on the investigating authority creating an opportunity for the violation rather than on complaints received or observed misconduct."

Section 11. Delivery training program -- rulemaking. (1) The department shall certify all delivery training programs that include the following:

(a) methods to identify and prevent sales to underage or intoxicated persons;

(b) strategies used by underage persons to obtain alcohol;

(c) acceptable forms of identification and procedures for checking identification;

(d) actions that can be taken to prevent an alcohol-related incident from occurring; and

(e) other requirements adopted by the department supported by statute or rule relating to the delivery of alcoholic beverages.

(2) On receipt of a proposed delivery training program from the holder of a third-party alcohol delivery license, the department has 30 business days to approve, deny, or request modifications to the proposed training program.

(3) The department may adopt rules to implement this section.

Section 12. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 16, chapter 4, and the provisions of Title 16, chapter 4, apply to [section 1].

(2) [Section 11] is intended to be codified as an integral part of Title 16, chapter 4, part 10, and the provisions of Title 16, chapter 4, part 10, apply to [section 11].

Section 13. Effective date. [This act] is effective January 1, 2026.

Approved April 3, 2025

CHAPTER NO. 76

[HB 246]

AN ACT PROVIDING FOR STANDARDIZATION OF SUBSTANTIAL EQUIVALENCY DETERMINATIONS IN PROFESSIONAL LICENSING; PROVIDING A DEFINITION; REMOVING DUPLICATIVE SUBSECTIONS

RELATED TO EQUIVALENCY AND RECIPROCITY; AMENDING SECTIONS 37-1-302, 37-1-304, 37-26-201, 37-33-405, 37-50-203, AND 37-73-204, MCA; AND REPEALING SECTIONS 37-39-203 AND 37-65-310, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 37-1-302, MCA, is amended to read:

"**37-1-302. Definitions.** As used in this part, the following definitions apply:

(1) "Board" means a licensing board created under Title 2, chapter 15, that regulates a profession or occupation and that is administratively attached to the department as provided in 2-15-121.

(2) "Complaint" means a written allegation filed with a board that, if true, warrants an injunction, disciplinary action against a licensee, or denial of an application submitted by a license applicant.

(3) "Department" means the department of labor and industry.

(4) "Inspection" means the periodic examination of premises, equipment, or procedures or of a practitioner by the department to determine whether the practitioner's profession or occupation is being conducted in a manner consistent with the public health, safety, and welfare.

(5) "Investigation" means the inquiry, analysis, audit, or other pursuit of information by the department, with respect to a written complaint or other information before a board, that is carried out for the purpose of determining:

(a) whether a person has violated a provision of law justifying discipline against the person;

(b) the status of compliance with a stipulation or order of the board;

(c) whether a license should be granted, denied, or conditionally issued; or

(d) whether a board should seek an injunction.

(6) "License" means permission granted under a chapter of this title to engage in or practice at a specific level in a profession or occupation, regardless of the specific term used for the permission, including permit, certificate, recognition, or registration.

(7) "Profession" or "occupation" means a profession or occupation regulated by a board.

(8) (a) "Substantial equivalency" or "substantially equivalent" means that the education, examination, and experience requirements contained in the statutes and rules of another jurisdiction are comparable to or exceed the education, examination, and experience requirements contained in the licensing provisions of a profession or occupation under Title 37. When ascertaining substantial equivalency, the respective board or the department, as applicable, shall consider the qualifications without regard to the sequence in which the experience, education, and examination requirements were attained.

(b) For occupations and professions under the authority of a board, the board shall determine substantial equivalency.

(c) For occupations and professions under the authority of a department program, the department shall determine substantial equivalency."

Section 2. Section 37-1-304, MCA, is amended to read:

"**37-1-304. Licensure ~~of out-of-state applicants~~ *by endorsement* -- reciprocity.** ~~(1) Except as provided in Title 37, chapter 39, the board shall issue a license to practice without examination to a person licensed in another state if the board determines that:~~

~~(a) the other state's license standards at the time of application to this state are substantially equivalent to or greater than the standards in this state; and~~

~~(b) there is no reason to deny the license under the laws of this state governing the profession or occupation.~~

~~(2) The license may be issued if the applicant affirms or states in the application that the applicant has requested verification from the state or states in which the person is licensed that the person is currently licensed and is not subject to pending charges or final disciplinary action for unprofessional conduct or impairment. If the board or its screening panel finds reasonable cause to believe that the applicant falsely affirmed or stated that the applicant has requested verification from another state, the board may summarily suspend the license pending further action to discipline or revoke the license.~~ *(1) Except as provided in 37-1-147, an applicant for licensure by endorsement must have an active license in good standing from a jurisdiction whose license qualifications, measured at the time of application to this state, are substantially equivalent to the license qualifications of this state.*

(2) For an application regulated by a board, if the board determines that the qualifications in subsection (1) are not substantially equivalent, the board shall determine whether the deficiency can be addressed by the applicant's actual qualifications and work experience.

(3) For an application regulated by a program, if the qualifications in subsection (1) are not substantially equivalent, the department shall determine whether the deficiency can be addressed by the applicant's actual qualifications and work experience.

~~(3)~~*(4)* This section does not prevent a board from entering into a reciprocity agreement with the licensing authority of another state or jurisdiction. ~~Except as provided in Title 37, chapter 39, the~~ *The* agreement may not permit out-of-state licensees to obtain a license by reciprocity within this state if the license applicant has not met standards that are substantially equivalent to or greater than the standards required in this state as determined by the board ~~on a case-by-case basis~~.

(5) This section does not apply to the licensure of schools or facilities regulated by boards and programs."

Section 3. Section 37-26-201, MCA, is amended to read:

"**37-26-201. Powers and duties of board.** The board shall:

(1) adopt rules necessary or proper to administer and enforce this chapter;

(2) adopt rules that specify the scope of practice of naturopathic medicine stated in 37-26-301, that are consistent with the definition of naturopathic medicine provided in 37-26-103, and that are consistent with the education provided by approved naturopathic medical colleges;

~~(3) adopt rules that endorse equivalent licensure examinations of another state or territory of the United States, the District of Columbia, or a foreign country and that may include licensure by reciprocity;~~

~~(4)~~*(3)* adopt rules that set nonrefundable fees for application, and licensure;

~~(5)~~*(4)* approve naturopathic medical colleges as defined in 37-26-103;

~~(6)~~*(5)* issue certificates of specialty practice;

~~(7)~~*(6)* adopt rules that, in the discretion of the board, appropriately restrict licenses to a limited scope of practice of naturopathic medicine, which may exclude the use of minor surgery allowed under 37-26-301; and

~~(8)~~*(7)* adopt rules that contain the formulary list created by the alternative health care formulary committee provided for in 37-26-301."

Section 4. Section 37-33-405, MCA, is amended to read:

"**37-33-405. Powers and duties of board -- rulemaking authority.** The board shall:

(1) adopt rules necessary or proper to administer and enforce this chapter;

~~(2) adopt rules that endorse equivalent licensure examinations of another state or territory of the United States, the District of Columbia, or a foreign country and that may include licensure by reciprocity;~~

~~(3)~~*(2)* adopt rules establishing reasonable requirements for continuing education, which must require 12 hours of continuing education to be completed in each 2-year period;

~~(4)~~*(3)* meet as often as necessary for the conduct of business but at least twice a year; and

~~(5)~~*(4)* take disciplinary action necessary to protect the public as provided for in Title 37, chapter 1."

Section 5. Section 37-50-203, MCA, is amended to read:

"**37-50-203. Rules of board.** (1) The board may adopt rules, consistent with the purposes of this chapter, that it considers necessary.

(2) The board shall adopt:

(a) rules of professional conduct appropriate to establish and maintain a high standard of integrity, dignity, and competency in the profession of public accounting, including competency in specific fields of public accounting;

(b) rules governing education requirements, as provided in 37-50-305, for issuance of the license of a certified public accountant;

(c) rules defining requirements for accounting experience, not exceeding 2 years, for issuance of the initial license; and

(d) rules to enforce the provisions of this chapter. The purpose of the rules is to provide for the monitoring of the profession of public accounting and to maintain the quality of the accounting profession.

(3) The board may adopt rules~~:~~

~~(a)~~ governing firms and other types of entities practicing public accounting, including but not limited to rules concerning style, name, title, and affiliation with other organizations~~; and~~

~~(b) establishing education and experience qualifications for out-of-state and foreign accountants seeking licenses to practice in Montana~~."

Section 6. Section 37-73-204, MCA, is amended to read:

"**37-73-204. Elevator mechanic's examination -- fee ~~-- reciprocity~~.** (1) The department shall, at least once a year, administer an examination to applicants meeting the requirements of 37-73-203(2)(b). The department shall determine the subjects, scope, and acceptable level of performance for the examination.

(2) The department shall determine by rule the fees to be charged an applicant for each examination and reexamination that the department administers. The fees must be commensurate with costs.

(3) An applicant for a license who has previously taken and failed the examination required by this section may retake it at any time within 2 years without again furnishing proof of compliance with 37-73-203(2)(b).

~~(4) The department may issue a license to an individual holding a valid license from another state that the department determines has standards substantially equal to this chapter upon application and without examination.~~"

Section 7. Repealer. The following sections of the Montana Code Annotated are repealed:

37-39-203. Licensure and certification reciprocity for out-of-state applicants.
37-65-310. License verification.

Approved April 3, 2025

CHAPTER NO. 77

[HB 321]

AN ACT GENERALLY REVISING LAWS RELATED TO THE SUPERVISED PRACTICE OF DENTAL HYGIENISTS; PROVIDING RULEMAKING

AUTHORITY; PROVIDING A DEFINITION; AND AMENDING SECTION 37-4-405, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 37-4-405, MCA, is amended to read:

"**37-4-405. Dental hygienist to practice under supervision of licensed dentist -- exceptions -- definitions.** (1) A licensed dental hygienist may:

(a) with the permission of the supervising dentist, practice in the office of a licensed and actively practicing dentist under the general supervision of a licensed dentist; ~~or~~

(b) provide dental hygiene preventative services in a public health facility under the general supervision of a licensed dentist or, subject to the provisions of subsection ~~(4)~~ *(3)*, under public health supervision*.; or*

(c) provide dental hygiene preventative services in a school-based oral health program under public health supervision subject to the provisions of subsection (3).

(2) A dental hygienist may give instruction in oral hygiene without the direct supervision or general supervision of a licensed dentist in a public or private institution or hospital or extended care facility or under a board of health or in a public clinic.

~~(3) For the purposes of this section, the following definitions apply:~~

~~(a) "direct supervision" means treatment by a dental auxiliary or licensed dental hygienist provided with the intent and knowledge of the dentist. The treatment must be performed while the dentist is on the premises.~~

~~(b) "general supervision" means treatment by a licensed dental hygienist provided with the intent and knowledge of the dentist licensed and residing in the state of Montana. The supervising dentist need not be on the premises.~~

~~(c) "public health facility" means:~~

~~(i) federally qualified health centers; federally funded community health centers, migrant health care centers, or programs for health services for the homeless established pursuant to the Public Health Service Act, 42 U.S.C. 254b; nursing homes; extended care facilities; home health agencies; group homes for the elderly, disabled, and youth; head start programs; migrant worker facilities; local public health clinics and facilities; public institutions under the department of public health and human services; and mobile public health clinics; and~~

~~(ii) other public health facilities and programs identified by the board under subsection (6); and~~

~~(d) "public health supervision" means the provision of limited dental hygiene preventative services without the prior authorization or presence of a licensed dentist in a public health facility.~~

~~(4)~~*(3)* (a) A licensed dental hygienist practicing under public health supervision may provide dental hygiene preventative services that include removal of deposits and stains from the surfaces of teeth, the application of topical fluoride, polishing restorations, root planing, placing of sealants, oral cancer screening, exposing radiographs, charting of services provided, and prescriptive authority as allowed under 37-4-401(1)(c).

(b) A licensed dental hygienist practicing under public health supervision may not provide dental hygiene preventative services that include local anesthesia, denture soft lines, temporary restorations, or any other service prohibited under 37-4-401.

(c) A licensed dental hygienist practicing under public health supervision shall provide:

(i) for the referral to a licensed dentist of any patient needing treatment outside the scope of practice authorized for a licensed dental hygienist under this subsection ~~(4)~~ *(3)*; and

(ii) treatment based upon medical and dental health guidelines adopted by rule by the board.

~~(5)~~*(4)* (a) A dental hygienist practicing under public health supervision shall obtain a limited access permit from the board.

(b) The board shall adopt rules:

(i) defining the qualifications necessary to obtain a limited access permit; and

(ii) providing a process for obtaining a limited access permit.

(c) The provision of services under a limited access permit is limited to patients or residents of facilities or programs *or eligible students as part of a school-based oral health program* who, due to age, infirmity, disability, or financial constraints, are unable to receive regular dental care.

~~(6)~~*(5)* The board may identify, by rule, *qualifying school-based oral health programs and* other public health facilities and programs, in addition to those listed in subsection ~~(3)(c)~~ *(6)(c)*, at which services under a limited access permit may be provided.

(6) For the purposes of this section, the following definitions apply:

(a) "Direct supervision" means treatment by a dental auxiliary or licensed dental hygienist provided with the intent and knowledge of the dentist. The treatment must be performed while the dentist is on the premises.

(b) "General supervision" means treatment by a licensed dental hygienist provided with the intent and knowledge of the dentist licensed and residing in the state of Montana. The supervising dentist need not be on the premises.

(c) "Public health facility" means:

(i) federally qualified health centers; federally funded community health centers, migrant health care centers, or programs for health services for the homeless established pursuant to the Public Health Service Act, 42 U.S.C. 254b; nursing homes; extended care facilities; home health agencies; group homes for the elderly, disabled, and youth; head start programs; migrant worker facilities; local public health clinics and facilities; public institutions under the department of public health and human services; and mobile public health clinics; and

(ii) other public health facilities and programs identified by the board under subsection (5).

(d) "Public health supervision" means the provision of limited dental hygiene preventative services without the prior authorization or presence of a licensed dentist in a public health facility or school-based oral health program.

(e) "School-based oral health program" means an oral health program coordinated through school administration or school health services."

Approved April 3, 2025

CHAPTER NO. 78

[HB 53]

AN ACT REVISING PUBLIC CONTRACT LAW TO ALLOW FOR TROOP LABOR TO EXECUTE PROJECTS; AND AMENDING SECTION 18-2-301, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 18-2-301, MCA, is amended to read:

"**18-2-301. Bids required -- public notice.** (1) (a) Offices, departments, or institutions, or any agent of the state of Montana acting for or on behalf of the state, may not do, cause to be done, or let any contract for the construction of buildings or the alteration and improvement of buildings and adjacent grounds on behalf of and for the benefit of the state when the amount involved is $150,000 or more without first providing public notice for 3 consecutive weeks, calling for sealed bids to perform the work, and stating the time and place bids will be considered. Notice may include electronic notification, publication in newspapers of general circulation, or other appropriate means.

(b) Starting July 1, 2028, and every 5 years after that, the department shall adjust the limits in subsection (1)(a) for inflation. The inflation adjustment is determined by dividing the consumer price index for June of the previous tax year by the consumer price index for June 2023. The newly adjusted limits must be rounded to the nearest $1,000 and adopted by rule.

(2) All work may be done, caused to be done, or contracted for only after competitive bidding.

(3) If responsible bids are not received after two attempts, the department or agency may contract for the work in a manner determined to be cost-effective for the state.

(4) This section does not apply to work done by inmates at an institution in the department of corrections.

(5) (a) The provisions of Montana law governing advertising and competitive bidding do not apply when the department of fish, wildlife, and parks is preserving or restoring the historic buildings and resources that it owns at Bannack if:

(i) the options listed in subsection (5)(b) are determined to be more cost-effective for the state; and

(ii) the implementation of the options listed in subsection (5)(b) is necessary to save historic buildings and resources from degradation and loss.

(b) For the preservation or restoration of historic buildings and resources at Bannack when the conditions listed in subsection (5)(a) are met, the department of fish, wildlife, and parks may accomplish the preservation or restoration through:

(i) a memorandum of understanding with a local, state, or federal entity or nonprofit organization when the entity or organization demonstrates the competence, knowledge, and qualifications to preserve or restore historic resources;

(ii) the use of qualified and trained department of fish, wildlife, and parks employees and volunteers;

(iii) a training program in historic preservation and restoration conducted by a qualified local, state, or federal entity or a qualified nonprofit organization; or

(iv) any combination of the options described in ~~subsection (5)(b)~~ *subsections (5)(b)(i) through (5)(b)(iii)*.

(c) The provisions of Montana law governing advertising and competitive bidding do not apply when the department of military affairs, in conjunction with military training, is ensuring the necessary upgrades, preservation, and restoration of facilities within their jurisdiction or ensuring the preparedness of military personnel."

Approved April 7, 2025

CHAPTER NO. 79

[HB 77]

AN ACT GENERALLY REVISING LAWS RELATED TO CHILD ABUSE AND NEGLECT INVESTIGATIONS BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; REMOVING TEMPORARY INVESTIGATIVE AUTHORITY; AMENDING SECTIONS 3-5-901, 41-3-422, 41-3-427, AND 41-3-432, MCA; AND REPEALING SECTION 41-3-433, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 3-5-901, MCA, is amended to read:

"**3-5-901. State assumption of district court expenses.** (1) There is a state-funded district court program under the judicial branch. Under this program, the office of court administrator shall fund all district court costs, except as provided in subsection (3). These costs include but are not limited to the following:

(a) salaries and benefits for:

(i) district court judges;

(ii) law clerks;

(iii) court reporters, as provided in 3-5-601;

(iv) juvenile probation officers, youth division offices staff, and assessment officers of the youth court;

(v) standing masters; and

(vi) other employees of the district court;

(b) in criminal cases:

(i) fees for transcripts of proceedings, as provided in 3-5-604;

(ii) witness fees and necessary expenses, as provided in 46-15-116;

(iii) juror fees and necessary expenses;

(iv) for a psychiatric examination under 46-14-202, the cost of the examination and other associated expenses, as provided in 46-14-202(4); and

(v) for commitment under 46-14-221, the cost of transporting the defendant to the custody of the director of the department of public health and human services to be placed in an appropriate facility of the department of public health and human services and of transporting the defendant back for any proceedings, as provided in 46-14-221(5);

(c) except as provided in 47-1-119, the district court expenses in all postconviction proceedings held pursuant to Title 46, chapter 21, and in all habeas corpus proceedings held pursuant to Title 46, chapter 22, and appeals from those proceedings;

(d) except as provided in 47-1-119, the following expenses incurred by the state in federal habeas corpus cases that challenge the validity of a conviction or of a sentence:

(i) transcript fees;

(ii) witness fees; and

(iii) expenses for psychiatric examinations;

(e) except as provided in 47-1-119, the following expenses incurred by the state in a proceeding held pursuant to Title 41, chapter 3, part 4 or 6, that seeks ~~temporary investigative authority of a youth,~~ temporary legal custody of a youth~~;~~ or termination of the parent-child legal relationship and permanent custody:

(i) transcript fees;

(ii) witness fees;

(iii) expenses for medical and psychological evaluation of a youth or the youth's parent, guardian, or other person having physical or legal custody of

the youth except for expenses for services that a person is eligible to receive under a public program that provides medical or psychological evaluation;

(iv) expenses associated with appointment of a guardian ad litem or child advocate for the youth; and

(v) expenses associated with court-ordered alternative dispute resolution;

(f) except as provided in 47-1-119, costs of juror and witness fees and witness expenses before a grand jury;

(g) costs of the court-sanctioned educational program concerning the effects of dissolution of marriage on children, as required in 40-4-226, and expenses of education when ordered for the investigation and preparation of a report concerning parenting arrangements, as provided in 40-4-215(2)(a);

(h) except as provided in 47-1-119, all district court expenses associated with civil jury trials if similar expenses were paid out of the district court fund or the county general fund in any previous year;

(i) all other costs associated with the operation and maintenance of the district court, including contract costs for court reporters who are independent contractors; and

(j) costs associated with the operation and maintenance of the youth court and youth court division operations pursuant to 41-5-111 and subsection (1)(a) of this section, except for those costs paid by other entities identified in Title 41, chapter 5.

(2) If a cost is not paid directly by the office of court administrator, the county shall pay the cost and the office of court administrator shall reimburse the county within 30 days of receipt of a claim.

(3) For the purposes of subsection (1), district court costs paid by the office of court administrator do not include:

(a) costs for clerks of district court and employees and expenses of the offices of the clerks of district court;

(b) costs of providing and maintaining district court office space; or

(c) charges incurred against a county by virtue of any provision of Title 7 or 46."

Section 2. Section 41-3-422, MCA, is amended to read:

"~~**41-3-422. (Temporary) Abuse and neglect petitions -- burden of proof.** (1) (a) Proceedings under this chapter must be initiated by the filing of a petition. A petition may request the following relief:~~

~~(i) immediate protection and emergency protective services, as provided in 41-3-427;~~

~~(ii) temporary investigative authority, as provided in 41-3-433;~~

~~(iii) temporary legal custody, as provided in 41-3-442;~~

~~(iv) long-term custody, as provided in 41-3-445;~~

~~(v) termination of the parent-child legal relationship, as provided in 41-3-607;~~

~~(vi) appointment of a guardian pursuant to 41-3-444;~~

~~(vii) a determination that preservation or reunification services need not be provided; or~~

~~(viii) any combination of the provisions of subsections (1)(a)(i) through (1)(a)(vii) or any other relief that may be required for the best interests of the child.~~

~~(b) The petition may be modified for different relief at any time within the discretion of the court.~~

~~(c) A petition for temporary legal custody may be the initial petition filed in a case.~~

~~(d) A petition for the termination of the parent-child legal relationship may be the initial petition filed in a case if a request for a determination that~~

~~preservation or reunification services need not be provided is made in the petition.~~

~~(2) The county attorney, attorney general, or an attorney hired by the county shall file all petitions under this chapter. A petition filed by the county attorney, attorney general, or an attorney hired by the county must be accompanied by:~~

~~(a) an affidavit by the department alleging that the child appears to have been abused or neglected and stating the basis for the petition; and~~

~~(b) a separate notice to the court stating any statutory time deadline for a hearing.~~

~~(3) Abuse and neglect petitions must be given highest preference by the court in setting hearing dates.~~

~~(4) An abuse and neglect petition is a civil action brought in the name of the state of Montana. The Montana Rules of Civil Procedure and the Montana Rules of Evidence apply except as modified in this chapter. Proceedings under a petition are not a bar to criminal prosecution.~~

~~(5) (a) Except as provided in subsection (5)(b), the person filing the abuse and neglect petition has the burden of presenting evidence required to justify the relief requested and establishing:~~

~~(i) probable cause for the issuance of an order for immediate protection and emergency protective services or an order for temporary investigative authority ;~~

~~(ii) a preponderance of the evidence for an order of adjudication or temporary legal custody;~~

~~(iii) a preponderance of the evidence for an order of long-term custody; or~~

~~(iv) clear and convincing evidence for an order terminating the parent-child legal relationship.~~

~~(b) If a proceeding under this chapter involves an Indian child, as defined in the federal Indian Child Welfare Act, 25 U.S.C. 1901, et seq., or 41-3-1303, the standards of proof required for legal relief under the federal Indian Child Welfare Act and the Montana Indian Child Welfare Act provided for in Title 41, chapter 3, part 13, apply.~~

~~(6) (a) Except as provided in the federal Indian Child Welfare Act and the Montana Indian Child Welfare Act, if applicable, the parents or parent, guardian, or other person or agency having legal custody of the child named in the petition, if residing in the state, must be served personally with a copy of the initial petition and a petition to terminate the parent-child legal relationship at least 5 days before the date set for hearing. If the person or agency cannot be served personally, the person or agency may be served by publication as provided in 41-3-428 and 41-3-429.~~

~~(b) Copies of all other petitions must be served upon the person or the person's attorney of record by certified mail, by personal service, or by publication as provided in 41-3-428 and 41-3-429. If service is by certified mail, the department must receive a return receipt signed by the person to whom the notice was mailed for the service to be effective. Service of the notice is considered to be effective if, in the absence of a return receipt, the person to whom the notice was mailed appears at the hearing.~~

~~(7) If personal service cannot be made upon the parents or parent, guardian, or other person or agency having legal custody, the court shall immediately provide for the appointment or assignment of an attorney as provided for in 41-3-425 to represent the unavailable party when, in the opinion of the court, the interests of justice require. If personal service cannot be made upon a putative father, the court may not provide for the appointment or assignment of counsel as provided for in 41-3-425 to represent the father unless, in the~~

~~opinion of the court, the interests of justice require counsel to be appointed or assigned.~~

~~(8) If a parent of the child is a minor, notice must be given to the minor parent's parents or guardian, and if there is no guardian, the court shall appoint one.~~

~~(9) (a) Any person interested in any cause under this chapter has the right to appear. Any foster parent, preadoptive parent, or relative caring for the child must be given legal notice by the attorney filing the petition of all judicial hearings for the child and has the right to be heard. The right to appear or to be heard does not make that person a party to the action. Any foster parent, preadoptive parent, or relative caring for the child must be given notice of all reviews by the reviewing body.~~

~~(b) A foster parent, preadoptive parent, or relative of the child who is caring for or a relative of the child who has cared for a child who is the subject of the petition who appears at a hearing set pursuant to this section may be allowed by the court to intervene in the action if the court, after a hearing in which evidence is presented on those subjects provided for in 41-3-437(4), determines that the intervention of the person is in the best interests of the child. A person granted intervention pursuant to this subsection is entitled to participate in the adjudicatory hearing held pursuant to 41-3-437 and to notice and participation in subsequent proceedings held pursuant to this chapter involving the custody of the child.~~

~~(c) Whenever a child is placed with a foster parent, preadoptive parent, or relative, the department shall provide written notice to the foster parent, preadoptive parent, or relative explaining the foster parent's, preadoptive parent's, or relative's rights under this subsection (9) to receive notice, to appear and be heard, and to attempt to intervene in proceedings under this chapter.~~

~~(10) An abuse and neglect petition must state:~~

~~(a) the nature of the alleged abuse or neglect and of the relief requested;~~

~~(b) the full name, age, and address of the child and the name and address of the child's parents or the guardian or person having legal custody of the child; and~~

~~(c) the names, addresses, and relationship to the child of all persons who are necessary parties to the action.~~

~~(11) Any party in a proceeding pursuant to this section is entitled to counsel as provided in 41-3-425.~~

~~(12) At any stage of the proceedings considered appropriate by the court, the court may order an alternative dispute resolution proceeding or the parties may voluntarily participate in an alternative dispute resolution proceeding. An alternative dispute resolution proceeding under this chapter may include a family engagement meeting, mediation, or a settlement conference. If a court orders an alternative dispute resolution proceeding, a party who does not wish to participate may file a motion objecting to the order. If the department is a party to the original proceeding, a representative of the department who has complete authority to settle the issue or issues in the original proceeding must be present at any alternative dispute resolution proceeding.~~

~~(13) Service of a petition under this section must be accompanied by a written notice advising the child's parent, guardian, or other person having physical or legal custody of the child of the:~~

~~(a) right, pursuant to 41-3-425, to appointment or assignment of counsel if the person is indigent or if appointment or assignment of counsel is required under the federal Indian Child Welfare Act or the Montana Indian Child Welfare Act, if applicable;~~

~~(b) right to contest the allegations in the petition; and~~

~~(c) timelines for hearings and determinations required under this chapter.~~

~~(14) If appropriate, orders issued under this chapter must contain a notice provision advising a child's parent, guardian, or other person having physical or legal custody of the child that:~~

~~(a) the court is required by federal and state laws to hold a permanency hearing to determine the permanent placement of a child no later than 12 months after a judge determines that the child has been abused or neglected or 12 months after the first 60 days that the child has been removed from the child's home;~~

~~(b) if a child has been in foster care for 15 of the last 22 months, state law presumes that termination of parental rights is in the best interests of the child and the state is required to file a petition to terminate parental rights; and~~

~~(c) completion of a treatment plan does not guarantee the return of a child.~~

~~(15) A court may appoint a standing master to conduct hearings and propose decisions and orders to the court for court consideration and action. A standing master may not conduct a proceeding to terminate parental rights. A standing master must be a member of the state bar of Montana and must be knowledgeable in the area of child abuse and neglect laws. (Terminates June 30, 2025--sec. 55, Ch. 716, L. 2023.)~~

41-3-422. ~~(Effective July 1, 2025)~~ Abuse and neglect petitions -- burden of proof. (1) (a) Proceedings under this chapter must be initiated by the filing of a petition. A petition may request the following relief:

(i) immediate protection and emergency protective services, as provided in 41-3-427;

~~(ii) temporary investigative authority, as provided in 41-3-433;~~

~~(iii)~~*(ii)* temporary legal custody, as provided in 41-3-442;

~~(iv)~~*(iii)* long-term custody, as provided in 41-3-445;

~~(v)~~*(iv)* termination of the parent-child legal relationship, as provided in 41-3-607;

~~(vi)~~*(v)* appointment of a guardian pursuant to 41-3-444;

~~(vii)~~*(vi)* a determination that preservation or reunification services need not be provided; or

~~(viii)~~*(vii)* any combination of the provisions of subsections (1)(a)(i) through ~~(1)(a)(vii)~~ *(1)(a)(vi)* or any other relief that may be required for the best interests of the child.

(b) The petition may be modified for different relief at any time within the discretion of the court.

(c) A petition for temporary legal custody may be the initial petition filed in a case.

(d) A petition for the termination of the parent-child legal relationship may be the initial petition filed in a case if a request for a determination that preservation or reunification services need not be provided is made in the petition.

(2) The county attorney, attorney general, or an attorney hired by the county shall file all petitions under this chapter. A petition filed by the county attorney, attorney general, or an attorney hired by the county must be accompanied by:

(a) an affidavit by the department alleging that the child appears to have been abused or neglected and stating the basis for the petition; and

(b) a separate notice to the court stating any statutory time deadline for a hearing.

(3) Abuse and neglect petitions must be given highest preference by the court in setting hearing dates.

(4) An abuse and neglect petition is a civil action brought in the name of the state of Montana. The Montana Rules of Civil Procedure and the Montana Rules of Evidence apply except as modified in this chapter. Proceedings under a petition are not a bar to criminal prosecution.

(5) (a) Except as provided in subsection (5)(b), the person filing the abuse and neglect petition has the burden of presenting evidence required to justify the relief requested and establishing:

(i) probable cause for the issuance of an order for immediate protection and emergency protective services ~~or an order for temporary investigative authority~~;

(ii) a preponderance of the evidence for an order of adjudication or temporary legal custody;

(iii) a preponderance of the evidence for an order of long-term custody; or

(iv) clear and convincing evidence for an order terminating the parent-child legal relationship.

(b) If a proceeding under this chapter involves an Indian child, as defined in the federal Indian Child Welfare Act, 25 U.S.C. 1901, et seq., the standards of proof required for legal relief under the federal Indian Child Welfare Act apply.

(6) (a) Except as provided in the federal Indian Child Welfare Act, if applicable, the parents or parent, guardian, or other person or agency having legal custody of the child named in the petition, if residing in the state, must be served personally with a copy of the initial petition and a petition to terminate the parent-child legal relationship at least 5 days before the date set for hearing. If the person or agency cannot be served personally, the person or agency may be served by publication as provided in 41-3-428 and 41-3-429.

(b) Copies of all other petitions must be served upon the person or the person's attorney of record by certified mail, by personal service, or by publication as provided in 41-3-428 and 41-3-429. If service is by certified mail, the department must receive a return receipt signed by the person to whom the notice was mailed for the service to be effective. Service of the notice is considered to be effective if, in the absence of a return receipt, the person to whom the notice was mailed appears at the hearing.

(7) If personal service cannot be made upon the parents or parent, guardian, or other person or agency having legal custody, the court shall immediately provide for the appointment or assignment of an attorney as provided for in 41-3-425 to represent the unavailable party when, in the opinion of the court, the interests of justice require. If personal service cannot be made upon a putative father, the court may not provide for the appointment or assignment of counsel as provided for in 41-3-425 to represent the father unless, in the opinion of the court, the interests of justice require counsel to be appointed or assigned.

(8) If a parent of the child is a minor, notice must be given to the minor parent's parents or guardian, and if there is no guardian, the court shall appoint one.

(9) (a) Any person interested in any cause under this chapter has the right to appear. Any foster parent, preadoptive parent, or relative caring for the child must be given legal notice by the attorney filing the petition of all judicial hearings for the child and has the right to be heard. The right to appear or to be heard does not make that person a party to the action. Any foster parent, preadoptive parent, or relative caring for the child must be given notice of all reviews by the reviewing body.

(b) A foster parent, preadoptive parent, or relative of the child who is caring for or a relative of the child who has cared for a child who is the subject of the petition who appears at a hearing set pursuant to this section may be allowed by the court to intervene in the action if the court, after a hearing in which evidence is presented on those subjects provided for in 41-3-437(4), determines that the intervention of the person is in the best interests of the child. A person granted intervention pursuant to this subsection is entitled to participate in the adjudicatory hearing held pursuant to 41-3-437 and to notice and participation in subsequent proceedings held pursuant to this chapter involving the custody of the child.

(c) Whenever a child is placed with a foster parent, preadoptive parent, or relative, the department shall provide written notice to the foster parent, preadoptive parent, or relative explaining the foster parent's, preadoptive parent's, or relative's rights under this subsection (9) to receive notice, to appear and be heard, and to attempt to intervene in proceedings under this chapter.

(10) An abuse and neglect petition must state:

(a) the nature of the alleged abuse or neglect and of the relief requested;

(b) the full name, age, and address of the child and the name and address of the child's parents or the guardian or person having legal custody of the child; and

(c) the names, addresses, and relationship to the child of all persons who are necessary parties to the action.

(11) Any party in a proceeding pursuant to this section is entitled to counsel as provided in 41-3-425.

(12) At any stage of the proceedings considered appropriate by the court, the court may order an alternative dispute resolution proceeding or the parties may voluntarily participate in an alternative dispute resolution proceeding. An alternative dispute resolution proceeding under this chapter may include a family engagement meeting, mediation, or a settlement conference. If a court orders an alternative dispute resolution proceeding, a party who does not wish to participate may file a motion objecting to the order. If the department is a party to the original proceeding, a representative of the department who has complete authority to settle the issue or issues in the original proceeding must be present at any alternative dispute resolution proceeding.

(13) Service of a petition under this section must be accompanied by a written notice advising the child's parent, guardian, or other person having physical or legal custody of the child of the:

(a) right, pursuant to 41-3-425, to appointment or assignment of counsel if the person is indigent or if appointment or assignment of counsel is required under the federal Indian Child Welfare Act, if applicable;

(b) right to contest the allegations in the petition; and

(c) timelines for hearings and determinations required under this chapter.

(14) If appropriate, orders issued under this chapter must contain a notice provision advising a child's parent, guardian, or other person having physical or legal custody of the child that:

(a) the court is required by federal and state laws to hold a permanency hearing to determine the permanent placement of a child no later than 12 months after a judge determines that the child has been abused or neglected or 12 months after the first 60 days that the child has been removed from the child's home;

(b) if a child has been in foster care for 15 of the last 22 months, state law presumes that termination of parental rights is in the best interests of the

child and the state is required to file a petition to terminate parental rights; and

(c) completion of a treatment plan does not guarantee the return of a child.

(15) A court may appoint a standing master to conduct hearings and propose decisions and orders to the court for court consideration and action. A standing master may not conduct a proceeding to terminate parental rights. A standing master must be a member of the state bar of Montana and must be knowledgeable in the area of child abuse and neglect laws."

Section 3. Section 41-3-427, MCA, is amended to read:

"**41-3-427. (Temporary) Petition for immediate protection and emergency protective services -- evidence and consideration of harm of removal -- order -- service.** (1) (a) In a case in which it appears that a child is abused or neglected or is in danger of being abused or neglected, the county attorney, the attorney general, or an attorney hired by the county may file a petition for immediate protection and emergency protective services. In implementing the policy of this section, the child's health and safety are of paramount concern.

(b) A petition for immediate protection and emergency protective services must state the specific authority requested and must be supported by an affidavit signed by a representative of the department stating in detail the alleged facts upon which the request is based and the facts establishing probable cause or, if the case is subject to the federal Indian Child Welfare Act or the Montana Indian Child Welfare Act provided for in Title 41, chapter 3, part 13, clear and convincing evidence that a child is abused or neglected or is in danger of being abused or neglected.

(c) The affidavit of the department representative must contain:

(i) information, if any, regarding statements made by the parents about the facts of the case; and

(ii) specific, written documentation as to why the risk of allowing the child to remain at home substantially outweighs the harm of removing the child, including consideration of:

(A) the emotional trauma the child is likely to experience if separated from the family;

(B) the child's relationships with other members of the household, including siblings;

(C) the child's schooling and social relationships that could be disrupted with a placement out of the neighborhood;

(D) the impact the removal would have on services the child is receiving and on extracurricular activities that benefit the child; and

(E) documentation of reasonable efforts made to keep the family intact.

(d) If from the alleged facts presented in the affidavit it appears to the court that there is probable cause or, if the case is subject to the federal Indian Child Welfare Act or the Montana Indian Child Welfare Act, clear and convincing evidence to believe that the child has been abused or neglected or is in danger of being abused and neglected, the judge shall grant emergency protective services and the relief authorized by subsection (2) until the adjudication hearing or the temporary investigative hearing. If it appears from the alleged facts contained in the affidavit that there is insufficient probable cause or, if the case is subject to the federal Indian Child Welfare Act or the Montana Indian Child Welfare Act, clear and convincing evidence to believe that the child has been abused or neglected or is in danger of being abused or neglected, the court shall dismiss the petition.

(e) If the parents, parent, guardian, person having physical or legal custody of the child, or attorney for the child disputes the material issues of

~~fact contained in the affidavit or the veracity of the affidavit, the person may request a contested show cause hearing pursuant to 41-3-432 within 10 days following service of the petition and affidavit.~~

~~(f) The petition for immediate protection and emergency protective services must include a notice advising the parents, parent, guardian, or other person having physical or legal custody of the child that the parents, parent, guardian, or other person having physical or legal custody of the child may have a support person present during any meeting with a child protection specialist concerning emergency protective services. Reasonable accommodation must be made in scheduling an in-person meeting with the child protection specialist.~~

~~(2) Pursuant to subsection (1), if the court finds probable cause or, if the case is subject to the federal Indian Child Welfare Act or the Montana Indian Child Welfare Act, clear and convincing evidence based on the petition and affidavit, the court may issue an order for immediate protection of the child. The court shall consider the parents' statements, if any, included with the petition and any accompanying affidavit or report to the court. If the court finds probable cause or, if the case is subject to the federal Indian Child Welfare Act or the Montana Indian Child Welfare Act, clear and convincing evidence, the court may issue an order granting the following forms of relief, which do not constitute a court-ordered treatment plan under 41-3-443:~~

~~(a) the right of entry by a peace officer or department worker;~~

~~(b) the right to place the child in temporary medical or out-of-home care, including but not limited to care provided by a noncustodial parent, kinship or foster family, group home, or institution;~~

~~(c) the right of the department to locate, contact, and share information with any extended family members who may be considered as placement options for the child;~~

~~(d) a requirement that the parents, guardian, or other person having physical or legal custody furnish information that the court may designate and obtain evaluations that may be necessary to determine whether a child is a youth in need of care;~~

~~(e) a requirement that the perpetrator of the alleged child abuse or neglect be removed from the home to allow the child to remain in the home;~~

~~(f) a requirement that the parent provide the department with the name and address of the other parent, if known, unless parental rights to the child have been terminated;~~

~~(g) a requirement that the parent provide the department with the names and addresses of extended family members who may be considered as placement options for the child who is the subject of the proceeding; and~~

~~(h) any other temporary disposition that may be required in the best interests of the child that does not require an expenditure of money by the department unless the court finds after notice and a hearing that the expenditure is reasonable and that resources are available for payment. The department is the payor of last resort after all family, insurance, and other resources have been examined.~~

~~(3) When requesting emergency protective services under this section, the department shall provide the court with information on:~~

~~(a) whether a kinship placement is available; or~~

~~(b) if a family foster home has been identified:~~

~~(i) where the foster home is located in relation to the child's home;~~

~~(ii) whether the foster placement can accommodate the proposed visitation schedule;~~

~~(iii) whether siblings can be placed together;~~

~~(iv) the proximity of the foster home to the child's home and school;~~

~~(v) whether the child will be able to observe religious or cultural practices important to the child; and~~

~~(vi) whether the foster home is able to accommodate any special needs the child may have.~~

~~(4) In making a removal determination, the court shall weigh and evaluate, in the factual setting, the harm to the child that will result from removal and determine if allowing the child to remain in the home substantially outweighs the harm of removal. Factors for consideration of the best interests of the child include but are not limited to:~~

~~(a) the factors identified in subsections (1)(c)(ii)(A) through (1)(c)(ii)(D); and~~

~~(b) whether the department made reasonable efforts, as described in subsection (1)(c)(ii)(E), to keep the family intact.~~

~~(5) (a) An order for removal of a child from the home must include a finding that:~~

~~(i) continued residence of the child with the parent is contrary to the welfare of the child;~~

~~(ii) an out-of-home placement is in the best interests of the child; and~~

~~(iii) the risk of allowing the child to remain in the home substantially outweighs the harm of removal.~~

~~(b) The court shall provide written findings to explain why the risk of the child's continued stay in the home outweighs the harm of removing the child.~~

~~(6) The order for immediate protection of the child must require the person served to comply immediately with the terms of the order and to appear before the court issuing the order on the date specified for a show cause hearing. Upon a failure to comply or show cause, the court may hold the person in contempt or place temporary physical custody of the child with the department until further order.~~

~~(7) The petition must be served as provided in 41-3-422 or, if the case involves an Indian child, as provided in 41-3-1311. (Terminates June 30, 2025--sec. 55, Ch. 716, L. 2023.)~~

41-3-427. ~~(Effective July 1, 2025)~~ Petition for immediate protection and emergency protective services -- evidence and consideration of harm of removal -- order -- service. (1) (a) In a case in which it appears that a child is abused or neglected or is in danger of being abused or neglected, the county attorney, the attorney general, or an attorney hired by the county may file a petition for immediate protection and emergency protective services. In implementing the policy of this section, the child's health and safety are of paramount concern.

(b) A petition for immediate protection and emergency protective services must state the specific authority requested and must be supported by an affidavit signed by a representative of the department stating in detail the alleged facts upon which the request is based and the facts establishing probable cause or, if the case is subject to the federal Indian Child Welfare Act, clear and convincing evidence that a child is abused or neglected or is in danger of being abused or neglected.

(c) The affidavit of the department representative must contain:

(i) information, if any, regarding statements made by the parents about the facts of the case; and

(ii) specific, written documentation as to why the risk of allowing the child to remain at home substantially outweighs the harm of removing the child, including consideration of:

(A) the emotional trauma the child is likely to experience if separated from the family;

(B) the child's relationships with other members of the household, including siblings;

(C) the child's schooling and social relationships that could be disrupted with a placement out of the neighborhood;

(D) the impact the removal would have on services the child is receiving and on extracurricular activities that benefit the child; and

(E) documentation of reasonable efforts made to keep the family intact.

(d) If from the alleged facts presented in the affidavit it appears to the court that there is probable cause or, if the case is subject to the federal Indian Child Welfare Act, clear and convincing evidence to believe that the child has been abused or neglected or is in danger of being abused and neglected, the judge shall grant emergency protective services and the relief authorized by subsection (2) until the adjudication hearing ~~or the temporary investigative hearing~~. If it appears from the alleged facts contained in the affidavit that there is insufficient probable cause or, if the case is subject to the federal Indian Child Welfare Act, clear and convincing evidence to believe that the child has been abused or neglected or is in danger of being abused or neglected, the court shall dismiss the petition.

(e) If the parents, parent, guardian, person having physical or legal custody of the child, or attorney for the child disputes the material issues of fact contained in the affidavit or the veracity of the affidavit, the person may request a contested show cause hearing pursuant to 41-3-432 within 10 days following service of the petition and affidavit.

(f) The petition for immediate protection and emergency protective services must include a notice advising the parents, parent, guardian, or other person having physical or legal custody of the child that the parents, parent, guardian, or other person having physical or legal custody of the child may have a support person present during any meeting with a child protection specialist concerning emergency protective services. Reasonable accommodation must be made in scheduling an in-person meeting with the child protection specialist.

(g) An order for immediate protection and emergency protective services may not be issued for a period longer than 90 days.

(2) Pursuant to subsection (1), if the court finds probable cause or, if the case is subject to the federal Indian Child Welfare Act, clear and convincing evidence based on the petition and affidavit, the court may issue an order for immediate protection of the child. The court shall consider the parents' statements, if any, included with the petition and any accompanying affidavit or report to the court. If the court finds probable cause or, if the case is subject to the federal Indian Child Welfare Act, clear and convincing evidence, the court may issue an order granting the following forms of relief, which do not constitute a court-ordered treatment plan under 41-3-443:

(a) the right of entry by a peace officer or department worker;

(b) the right to place the child in temporary medical or out-of-home care, including but not limited to care provided by a noncustodial parent, kinship or foster family, group home, or institution;

(c) the right of the department to locate, contact, and share information with any extended family members who may be considered as placement options for the child;

(d) a requirement that the parents, guardian, or other person having physical or legal custody furnish information that the court may designate and obtain evaluations that may be necessary to determine whether a child is a youth in need of care;

(e) a requirement that the perpetrator of the alleged child abuse or neglect be removed from the home to allow the child to remain in the home;

(f) a requirement that the parent provide the department with the name and address of the other parent, if known, unless parental rights to the child have been terminated;

(g) a requirement that the parent provide the department with the names and addresses of extended family members who may be considered as placement options for the child who is the subject of the proceeding; and

(h) any other temporary disposition that may be required in the best interests of the child that does not require an expenditure of money by the department unless the court finds after notice and a hearing that the expenditure is reasonable and that resources are available for payment. The department is the payor of last resort after all family, insurance, and other resources have been examined.

(3) When requesting emergency protective services under this section, the department shall provide the court with information on:

(a) whether a kinship placement is available; or

(b) if a family foster home has been identified:

(i) where the foster home is located in relation to the child's home;

(ii) whether the foster placement can accommodate the proposed visitation schedule;

(iii) whether siblings can be placed together;

(iv) the proximity of the foster home to the child's home and school;

(v) whether the child will be able to observe religious or cultural practices important to the child; and

(vi) whether the foster home is able to accommodate any special needs the child may have.

(4) In making a removal determination, the court shall weigh and evaluate, in the factual setting, the harm to the child that will result from removal and determine if allowing the child to remain in the home substantially outweighs the harm of removal. Factors for consideration of the best interests of the child include but are not limited to:

(a) the factors identified in subsections (1)(c)(ii)(A) through (1)(c)(ii)(D); and

(b) whether the department made reasonable efforts, as described in subsection (1)(c)(ii)(E), to keep the family intact.

(5) (a) An order for removal of a child from the home must include a finding that:

(i) continued residence of the child with the parent is contrary to the welfare of the child;

(ii) an out-of-home placement is in the best interests of the child; and

(iii) the risk of allowing the child to remain in the home substantially outweighs the harm of removal.

(b) The court shall provide written findings to explain why the risk of the child's continued stay in the home outweighs the harm of removing the child.

(6) The order for immediate protection of the child must require the person served to comply immediately with the terms of the order and to appear before the court issuing the order on the date specified for a show cause hearing. Upon a failure to comply or show cause, the court may hold the person in contempt or place temporary physical custody of the child with the department until further order.

(7) The petition must be served as provided in 41-3-422."

Section 4. Section 41-3-432, MCA, is amended to read:

"~~**41-3-432. (Temporary) Show cause hearing -- order.** (1) (a) Except as provided in the federal Indian Child Welfare Act or the Montana Indian Child Welfare Act provided for in Title 41, chapter 3, part 13, a show cause hearing must be conducted within 20 days of the filing of an initial child abuse~~

~~and neglect petition unless otherwise stipulated by the parties pursuant to 41-3-434 or unless an extension of time is granted by the court. A separate notice to the court stating the statutory time deadline for a hearing must accompany any petition to which the time deadline applies.~~

~~(b) If a proceeding under this chapter involves an Indian child and is subject to the federal Indian Child Welfare Act or the Montana Indian Child Welfare Act, a qualified expert witness is required to testify that the continued custody of the Indian child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the Indian child.~~

~~(c) The court may grant an extension of time for a show cause hearing only upon a showing of substantial injustice and shall order an appropriate remedy that considers the best interests of the child.~~

~~(2) The person filing the petition has the burden of presenting evidence establishing probable cause for the issuance of an order for temporary investigative authority after the show cause hearing, except as provided by the federal Indian Child Welfare Act or the Montana Indian Child Welfare Act, if applicable.~~

~~(3) If a contested show cause hearing is requested pursuant to 41-3-427 based upon a disputed issue of material fact or a dispute regarding the veracity of the affidavit of the department, the court may consider all evidence and shall provide an opportunity for a parent, guardian, or other person having physical or legal custody of the child to provide testimony regarding the disputed issues. Hearsay evidence of statements made by the affected child is admissible at the hearing. The parent, guardian, or other person may be represented by legal counsel and may be appointed or assigned counsel as provided for in 41-3-425.~~

~~(4) At the show cause hearing, the court shall explain the procedures to be followed in the case and explain the parties' rights, including the right to request appointment or assignment of counsel if indigent or if appointment or assignment of counsel is required under the federal Indian Child Welfare Act or the Montana Indian Child Welfare Act, if applicable, and the right to challenge the allegations contained in the petition. The parent, guardian, or other person having physical or legal custody of the child must be given the opportunity to admit or deny the allegations contained in the petition at the show cause hearing. Inquiry must be made to determine whether the notice requirements of the federal Indian Child Welfare Act or 41-3-1311, if applicable, have been met.~~

~~(5) Except as provided in the federal Indian Child Welfare Act or the Montana Indian Child Welfare Act, if applicable, the court shall make written findings on issues including but not limited to the following:~~

~~(a) whether the child should be returned home immediately if there has been an emergency removal or remain in temporary out-of-home care or be removed from the home;~~

~~(b) if removal is ordered or continuation of removal is ordered, why continuation of the child in the home would be contrary to the child's best interests and welfare;~~

~~(c) whether the department has made reasonable efforts to avoid protective placement of the child or to make it possible to safely return the child to the child's home;~~

~~(d) financial support of the child, including inquiry into the financial ability of the parents, guardian, or other person having physical or legal custody of the child to contribute to the costs for the care, custody, and treatment of the child and requirements of a contribution for those costs pursuant to 41-3-446; and~~

~~(e) whether another hearing is needed and, if so, the date and time of the next hearing.~~

~~(6) The court may consider:~~

~~(a) terms and conditions for parental visitation; and~~

~~(b) whether orders for examinations, evaluations, counseling, immediate services, or protection are needed.~~

~~(7) Following the show cause hearing, the court may enter an order for the relief requested or amend a previous order for immediate protection of the child if one has been entered. The order must be in writing.~~

~~(8) If a child who has been removed from the child's home is not returned home after the show cause hearing or if removal is ordered, the parents or parent, guardian, or other person or agency having physical or legal custody of the child named in the petition may request that a citizen review board, if available pursuant to part 10 of this chapter, review the case within 30 days of the show cause hearing and make a recommendation to the district court, as provided in 41-3-1010.~~

~~(9) Adjudication of a child as a youth in need of care may be made at the show cause hearing if the requirements of 41-3-437(2) are met. If not made at the show cause hearing, adjudication under 41-3-437 must be made within the time limits required by 41-3-437 unless adjudication occurs earlier by stipulation of the parties pursuant to 41-3-434 and order of the court. (Terminates June 30, 2025--sec. 55, Ch. 716, L. 2023.)~~

41-3-432. ~~(Effective July 1, 2025)~~ Show cause hearing -- order. (1) (a) Except as provided in the federal Indian Child Welfare Act, a show cause hearing must be conducted within 20 days of the filing of an initial child abuse and neglect petition unless otherwise stipulated by the parties pursuant to 41-3-434 or unless an extension of time is granted by the court. A separate notice to the court stating the statutory time deadline for a hearing must accompany any petition to which the time deadline applies.

(b) If a proceeding under this chapter involves an Indian child and is subject to the federal Indian Child Welfare Act, a qualified expert witness is required to testify that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

(c) The court may grant an extension of time for a show cause hearing only upon a showing of substantial injustice and shall order an appropriate remedy that considers the best interests of the child.

~~(2) The person filing the petition has the burden of presenting evidence establishing probable cause for the issuance of an order for temporary investigative authority after the show cause hearing, except as provided by the federal Indian Child Welfare Act, if applicable.~~

~~(3)~~*(2)* If a contested show cause hearing is requested pursuant to 41-3-427 based upon a disputed issue of material fact or a dispute regarding the veracity of the affidavit of the department, the court may consider all evidence and shall provide an opportunity for a parent, guardian, or other person having physical or legal custody of the child to provide testimony regarding the disputed issues. Hearsay evidence of statements made by the affected child is admissible at the hearing. The parent, guardian, or other person may be represented by legal counsel and may be appointed or assigned counsel as provided for in 41-3-425.

~~(4)~~*(3)* At the show cause hearing, the court shall explain the procedures to be followed in the case and explain the parties' rights, including the right to request appointment or assignment of counsel if indigent or if appointment or assignment of counsel is required under the federal Indian Child Welfare Act, if applicable, and the right to challenge the allegations contained in the petition. The parent, guardian, or other person having physical or legal custody of the child must be given the opportunity to admit or deny the allegations contained

in the petition at the show cause hearing. Inquiry must be made to determine whether the notice requirements of the federal Indian Child Welfare Act, if applicable, have been met.

~~(5)~~*(4)* Except as provided in the federal Indian Child Welfare Act, if applicable, the court shall make written findings on issues including but not limited to the following:

(a) whether the child should be returned home immediately if there has been an emergency removal or remain in temporary out-of-home care or be removed from the home;

(b) if removal is ordered or continuation of removal is ordered, why continuation of the child in the home would be contrary to the child's best interests and welfare;

(c) whether the department has made reasonable efforts to avoid protective placement of the child or to make it possible to safely return the child to the child's home;

(d) financial support of the child, including inquiry into the financial ability of the parents, guardian, or other person having physical or legal custody of the child to contribute to the costs for the care, custody, and treatment of the child and requirements of a contribution for those costs pursuant to 41-3-446; and

(e) whether another hearing is needed and, if so, the date and time of the next hearing.

~~(6)~~*(5)* The court may consider:

(a) terms and conditions for parental visitation; and

(b) whether orders for examinations, evaluations, counseling, immediate services, or protection are needed.

~~(7)~~*(6)* Following the show cause hearing, the court may enter an order for the relief requested or amend a previous order for immediate protection of the child if one has been entered. The order must be in writing.

~~(8)~~*(7)* If a child who has been removed from the child's home is not returned home after the show cause hearing or if removal is ordered, the parents or parent, guardian, or other person or agency having physical or legal custody of the child named in the petition may request that a citizen review board, if available pursuant to part 10 of this chapter, review the case within 30 days of the show cause hearing and make a recommendation to the district court, as provided in 41-3-1010.

~~(9)~~*(8)* Adjudication of a child as a youth in need of care may be made at the show cause hearing if the requirements of 41-3-437(2) are met. If not made at the show cause hearing, adjudication under 41-3-437 must be made within the time limits required by 41-3-437 unless adjudication occurs earlier by stipulation of the parties pursuant to 41-3-434 and order of the court."

Section 5. Repealer. The following sections of the Montana Code Annotated are repealed:

41-3-433. Temporary investigative authority.

Section 6. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Approved April 7, 2025

CHAPTER NO. 80

[HB 91]

AN ACT PROVIDING TAXPAYERS WITH THE OPTION TO RECEIVE ELECTRONIC COMMUNICATIONS FROM THE DEPARTMENT OF REVENUE; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Electronic taxpayer communications -- rulemaking. (1) Except as otherwise provided by law, the department may send correspondence, letters, notices, and other communications electronically to a taxpayer when the taxpayer elects, on a form provided by the department, to receive electronic communications from the department.

(2) The department shall adopt rules necessary to administer this section.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 15, chapter 1, part 2, and the provisions of Title 15, chapter 1, part 2, apply to [section 1].

Section 3. Effective date. [This act] is effective on passage and approval.

Approved April 7, 2025

CHAPTER NO. 81

[HB 92]

AN ACT GENERALLY REVISING ALCOHOL LAW REGULATION; CORRECTING ERRATA; AMENDING SECTIONS 16-1-302, 16-3-233, 16-3-301, 16-4-414, AND 16-4-801, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 16-1-302, MCA, is amended to read:

"**16-1-302. Functions, powers, and duties of department.** The department has the following functions, duties, and powers:

(1) to buy, import, have in its possession for sale, and sell liquors;

(2) to control the possession, sale, and delivery of liquors in accordance with the provisions of this code;

(3) to determine the municipalities where agency liquor stores are to be established throughout the state and the situation of the stores within these municipalities;

(4) to lease, furnish, and equip any building or land required to administer its duties under this code;

(5) to buy or lease plants and equipment necessary to administer its duties under this code;

(6) to employ the necessary employees required to administer this code and to dismiss them, assign them their title, and define their respective duties and powers and to contract with the department of justice for investigative services and to receive and process, but not grant or deny, applications or to contract for the services of experts and persons engaged in the practice of a profession, if appropriate. If the department contracts for the receipt and processing of an application by the department of justice, the application must state that it is to be filed with the department of justice.

(7) to determine the nature, form, and capacity of all packages to be used for containing alcoholic beverages kept or sold under this code;

(8) to grant and issue licenses*, registrations,* and permits under this code;

(9) to place special restrictions and allowances on the use of a particular license, which must be endorsed on the face of the license, if the special restrictions and allowances are made pursuant to a hearing held in connection with the issuance of the license or if the special restrictions and allowances are agreed to by the licensee;

(10) without limiting or being limited by the foregoing, to do all things necessary to administer this code or rules."

Section 2. Section 16-3-233, MCA, is amended to read:

"**16-3-233. Sales to public by wholesaler unlawful.** ~~Except as provided in 16-3-316, a~~ *A* wholesaler may not give, sell, deliver, or distribute any beer purchased or acquired by the wholesaler to the public."

Section 3. Section 16-3-301, MCA, is amended to read:

"**16-3-301. Unlawful purchases, transfers, sales, or deliveries -- presumption of legal age.** (1) Except as allowed in 16-4-213(8), it is unlawful for a licensed retailer to:

(a) purchase or acquire beer or wine from anyone except a brewery, winery, or wholesaler licensed under the provisions of this code;

(b) purchase or acquire table wine from anyone except a liquor store agent or winery or table wine distributor licensed under the provisions of this code;

(c) purchase or acquire wine from anyone except a liquor store agent or winery;

(d) transport alcoholic beverages from one licensed premises or other facility to any other licensed premises owned by the licensee; or

(e) purchase or acquire liquor from anyone except an agency liquor store.

(2) It is unlawful for a licensed distributor or wholesaler to purchase beer, table wine, or wine from anyone except a brewery, winery, or wholesaler licensed or registered under this code.

(3) It is unlawful for a liquor store agent to purchase table wine or sacramental wine from anyone except a table wine distributor *or winery* licensed under this code.

(4) It is unlawful for any licensee, a licensee's employee, or any other person to sell, deliver, or give away or cause or permit to be sold, delivered, or given away any alcoholic beverage to:

(a) any person under 21 years of age; or

(b) any person actually, apparently, or obviously intoxicated.

(5) Any person under 21 years of age or any other person who knowingly misrepresents the person's qualifications for the purpose of obtaining an alcoholic beverage from the licensee is equally guilty with the licensee and, on conviction, is subject to the penalty provided in 45-5-624. However, nothing in this section may be construed as authorizing or permitting the sale of an alcoholic beverage to any person in violation of any federal law.

(6) All licensees shall display in a prominent place in their premises a placard, issued by the department, stating fully the consequences for violations of the provisions of this code by persons under 21 years of age.

(7) For purposes of 45-5-623 and this title, the establishment of the following facts by a person making a sale of alcoholic beverages to a person under the legal age constitutes prima facie evidence of innocence and a defense to a prosecution for sale of alcoholic beverages to a person under the legal age:

(a) the purchaser falsely represented and supported with documentary evidence that an ordinary and prudent person would accept that the purchaser was of legal age to purchase alcoholic beverages;

(b) the appearance of the purchaser was such that an ordinary and prudent person would believe the purchaser to be of legal age to purchase alcoholic beverages; and

(c) the sale was made in good faith and in reasonable reliance on the representation and appearance of the purchaser that the purchaser was of legal age to purchase alcoholic beverages.

(8) A licensed retailer may purchase beer and table wine from a licensed in-state retailer and transport the purchased beer and table wine to the licensed retailer's premises. The department may penalize retailers purchasing beer and table wine from out-of-state retailers subject to this code. Purchases under this subsection are limited to a maximum of 6 gallons a day. (See compiler's comments for contingent termination of certain text.)"

Section 4. Section 16-4-414, MCA, is amended to read:

"**16-4-414. Fingerprints required of applicants and location managers -- exceptions.** (1) Except as provided in subsection (2), an applicant for a license under this code, an individual who must meet the requirements of 16-4-401 for the issuance of a new license or for the approval of the transfer of a license, and any person employed by the applicant as a location manager shall submit their fingerprints with the application to facilitate a fingerprint and background check by the department of justice and the federal bureau of investigation. The results of the investigation must be used by the department in determining the applicant's eligibility for a license.

(2) (a) ~~If the applicant is a publicly traded corporation, an officer and any person employed by the applicant as a location manager are subject to the fingerprint and background check in subsection (1).~~

~~(b)~~ If the applicant employs a business entity as a location manager, a person designated pursuant to 16-4-419(3) is subject to the fingerprint and background check in subsection (1).

~~(c)~~*(b)* A change in the form of a licensee's business entity that does not result in any person having a new ownership interest in the business is not grounds for the department to require a fingerprint or background check.

(3) Approved applicants may use a single background check and set of fingerprints for multiple license applications within 5 years. Applicants must attest that no criminal charges have been filed since the background check was last completed."

Section 5. Section 16-4-801, MCA, is amended to read:

"**16-4-801. Security interest in alcoholic beverage license -- definitions.** (1) (a) A security interest in an alcoholic beverage license is an interest in the alcoholic beverage license that secures payment or performance of an obligation. A contract for the sale of an alcoholic beverage license, including a provision allowing the seller to retain an ownership interest in the license solely for the purpose of guaranteeing payment for the license, may, for the purposes of this section, be treated as a security interest.

(b) For the purposes of this section:

(i) "alcoholic beverage *license*" means a license issued under this chapter; and

(ii) "default" means that:

(A) the defaulting party has acknowledged in writing pursuant to the terms of a written security agreement or contract for sale that the defaulting party no longer has any ownership interest or any other rights to possess or control the alcoholic beverage license;

(B) a court of competent jurisdiction has made an order foreclosing all of the defaulting party's interests in the license; or

(C) there has been a nonjudicial sale by the secured party made pursuant to the Uniform Commercial Code and the secured party has provided written proof of the sale to the department.

(2) The department, after review of the underlying documents creating the security interest, may approve a transfer of ownership of an alcoholic beverage license subject to a security interest as provided in subsection (1). A person holding a security interest may not have any control in the operation of the business operated under a license subject to a security interest nor may that person share in the profits or the liabilities of the business other than the payment or performance of the licensee's obligation under a security agreement.

(3) (a) Within 7 days of a default by a licensee, the person holding the security interest shall give notice to the department of the licensee's default and either apply to have the license transferred to that person, subject to that person meeting the requirements of 16-4-401 and all other applicable provisions of this code, or the person shall place the license on nonuse status. On receipt of an application to transfer the license, the department may, pursuant to 16-4-433, grant the applicant temporary operating authority to operate the license. If the person holding the license places the license on nonuse status, the person shall transfer ownership of the license within 180 days from the date on which the notice of the default was given to the department. The operation of a business under a license by a person holding a security interest for more than 7 days after default of the licensee or without temporary operating authority issued by the department must be considered to be a violation of this code and constitutes grounds for the department to either deny an application for transfer of the license or for the revocation of the license pursuant to 16-4-406.

(b) If the person holding the security interest does not qualify for or cannot qualify for ownership of an alcoholic beverage license under 16-4-401, the secured party shall transfer ownership of the alcoholic beverage license within 180 days of the notice of the default of the licensee.

(c) The department, on a showing of good cause, may in its discretion extend the time for sale of the license for an additional period of up to 180 days.

(4) (a) A regulated lender, as defined in 31-1-111, may obtain a security interest in an alcoholic beverage license or in other assets of a business operating an alcoholic beverage license to secure a loan or a guaranty of a loan. A regulated lender may use loan and collateral documentation and loan and collateral structure consistent with that used by the regulated lender in commercial loans generally, and the documentation and structure used by the lender do not create an undisclosed ownership interest in the alcoholic beverage license or the licensee's business by a coborrower or guarantor if the department determines the borrower, coborrower, guarantor, and owner or owners of the assets pledged as collateral meet the requirements of 16-4-401. As used in this subsection (4), permissible loan and collateral structuring includes but is not limited to permitting owners and nonowners of an alcoholic beverage license to:

(i) be coborrowers of a borrower's loan;

(ii) be guarantors of a borrower's loan, with or without a requirement that the regulated lender exhaust remedies against the borrower before collecting from the guarantor; or

(iii) pledge assets as collateral for a borrower's loan or for a guaranty of a borrower's loan.

(b) A person claiming a security interest in an alcoholic beverage license may submit to the department copies of documents evidencing the security interest, the license number, and a $30 notification fee. The department

shall deposit the fee as provided in 16-2-108. The department may create and provide a form to be used for this purpose.

(c) The department shall notify those that have filed information provided in subsection (4)(b):

(i) at least 20 days prior to issuance of an order of default for revocation, nonrenewal, or lapse of a license; or

(ii) immediately after the department's office of dispute resolution has issued a decision to uphold the department's revocation or nonrenewal of a license under 16-4-406 or lapse of a license under 16-3-310.

(5) When a licensee is the borrower, an owner of the licensee may make a payment on the institutional loan. If a payment is made under this subsection (5):

(a) the party making the payment must be vetted and approved prior to making the payment;

(b) the licensee shall notify the department within 90 days that the payment was made and designate whether the payment will be treated as a loan or an equity investment as follows:

(i) for a payment treated as a loan, the licensee shall memorialize the loan by a written agreement, which must be provided to the department; or

(ii) for a payment treated as an equity investment, if a change in ownership percentage occurs as a result, the licensee shall follow department requirements for disclosing changes in ownership percentages; and

(c) the funds used for the payment must be the party's own funds or funds borrowed from an institutional lender.

(6) If a borrower, coborrower, or guarantor is not the licensee or an owner of the licensee, the coborrower or guarantor may make a payment on the institutional loan, and the payment does not create an undisclosed ownership interest in the alcoholic beverage license by the borrower, coborrower, or guarantor only if:

(a) the licensee notifies the department within 90 days that the payment was made;

(b) the payment is made as a loan that is memorialized by a written agreement; and

(c) the funds used for the payment are the coborrower's or guarantor's own funds or funds borrowed from an institutional lender.

(7) A regulated lender that obtains a security interest in an alcoholic beverage license or in other assets of a business operating an alcoholic beverage license has no duty to ensure a coborrower's or guarantor's compliance with the requirements of subsection (5) or (6) in connection with loan or guaranty payments it may receive from the coborrower or guarantor.

(8) For the purposes of subsections (5) and (6), the term "borrower" means the party that is primarily responsible for making payments and that receives the funds or on whose behalf the funds were paid."

Section 6. Effective date. [This act] is effective on passage and approval.

Approved April 7, 2025

CHAPTER NO. 82

[HB 106]

AN ACT REVISING SHOOTING PRESERVE LAWS; REQUIRING PRESERVES TO BE LOCATED ENTIRELY ON PRIVATE PROPERTY; INCREASING THE SHOOTING PRESERVE LICENSE FEE; REMOVING

QUANTITY REQUIREMENTS ON THE RELEASE OF BIRDS; REQUIRING SHOOTING PRESERVE OPERATORS TO REPORT HARVESTS ON DEPARTMENT OF FISH, WILDLIFE, AND PARKS FORMS; REMOVING THE QUANTITY RESTRICTION ON SHOOTING PRESERVE GAME HARVESTS; AMENDING SECTIONS 87-4-502, 87-4-503, 87-4-522, 87-4-524, 87-4-525, AND 87-6-706, MCA; REPEALING SECTION 87-4-523, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 87-4-502, MCA, is amended to read:

"**87-4-502. ~~Size, location,~~ *Location* and posting of preserves.** Operating licenses or permits may be issued to any person, partnership, association, or corporation for the operation of shooting preserves that meet the following requirements:

(1) Each shooting preserve must be restricted to ~~not more than 2,560 contiguous acres and must be located in areas that will not substantially reduce hunting areas available to the public as determined by the department.~~ *private property.*

(2) The exterior boundaries of each shooting preserve must be clearly defined and posted with signs erected around the extremity at intervals of ~~250 feet or less~~ *one-quarter mile. Each shooting preserve must have a minimum of two signs regardless of the size of the preserve.*"

Section 2. Section 87-4-503, MCA, is amended to read:

"**87-4-503. Fees.** Fees for shooting preserve licenses or permits ~~must be $100 for each year for the first 320 acres of shooting preserve area, plus $40 for each year for each additional 160 acres and any fraction of 160 acres.~~ *are $250 and are valid until February 28 of the fifth year following the year of issuance, unless otherwise revoked. Application for renewal must be made before a license expires. The department shall renew the license upon payment of the license fee if the licensee has complied with all recording and reporting requirements.*"

Section 3. Section 87-4-522, MCA, is amended to read:

"**87-4-522. Game hunted in preserve.** (1) Game that may be hunted under this part must be confined to artificially propagated ring-necked pheasants with no color mutations, chukar partridges, Merriam's turkeys, Hungarian partridges, and other species authorized by the department.

~~(2) A minimum of 100 birds cumulative of all species authorized to be hunted in an individual shooting preserve must be released each year on the licensed area during the shooting preserve season.~~

~~(3)~~*(2)* Artificially propagated upland game birds released on a shooting preserve during the shooting preserve season must be at least 14 weeks of age and must be marked prior to release in a manner that distinguishes them from wild upland game birds.

~~(4)~~*(3)* For each shooting preserve season, a shooting preserve operator shall maintain a record of the total number, by species and source, of artificially propagated upland game birds released and harvested and the number of wild upland game birds harvested in the preserve. The record must be open to inspection by a delegated representative of the department at any reasonable time. ~~and must be the basis on which the game-recovery limits in 87-4-523 are determined.~~"

Section 4. Section 87-4-524, MCA, is amended to read:

"**87-4-524. Preserve operators to establish shooting restrictions.** (1) ~~Except for required compliance with the game recovery restriction provided in 87-4-523, shooting~~ *Shooting* preserve operators licensed prior to July 1,

2003, may establish their own shooting limitations and restrictions on the age, sex, and number of each species that may be taken by each person.

(2) The department may impose restrictions on a shooting preserve license issued after July 1, 2003, in an area that supports existing native upland game bird species if the department determines that the restrictions are necessary to protect native populations. The restrictions must be based on sound biological principles."

Section 5. Section 87-4-525, MCA, is amended to read:

"**87-4-525. ~~Tagging~~ *Reporting* of game.** All harvested game shall be ~~tagged with a self-sealing tag prior to being either consumed on the premises or removed therefrom, such tags to remain affixed until the game actually is prepared for consumption~~ *accompanied by a harvest form provided by the department until the game is consumed*. The department shall furnish ~~tags at nominal cost to shooting preserve operators, the tags to be numbered consecutively and dated by year of issuance.~~ *the harvest form at no cost to shooting preserve operators*."

Section 6. Section 87-6-706, MCA, is amended to read:

"**87-6-706. Shooting preserve offenses.** (1) A person may not:

(a) hunt on a shooting preserve without obtaining a license pursuant to 87-4-504; or

(b) harvest game on a shooting preserve without ~~tagging~~ *reporting* the game pursuant to 87-4-525.

(2) Each shooting preserve operator shall keep records in accordance with 87-4-522.

(3) A person convicted of a violation of this section shall be fined not less than $50 or more than $1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court."

Section 7. Repealer. The following section of the Montana Code Annotated is repealed:

87-4-523. Amount of game recoverable.

Section 8. Effective date. [This act] is effective on passage and approval.

Approved April 7, 2025

CHAPTER NO. 83

[HB 108]

AN ACT REVISING PROPERTY TAX VALUATION REQUIREMENTS FOR CERTAIN AGRICULTURAL IMPLEMENTS AND MACHINERY; ELIMINATING THE REQUIREMENT THAT THE DEPARTMENT OF REVENUE PREPARE A SUPPLEMENTAL VALUATION MANUAL WHEN AGRICULTURAL IMPLEMENTS AND MACHINERY IS NOT LISTED IN AN OFFICIAL GUIDE; AMENDING SECTION 15-8-111, MCA; AND PROVIDING AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-8-111, MCA, is amended to read:

"**15-8-111. Appraisal -- market value standard -- exceptions.** (1) All taxable property must be appraised at 100% of its market value except as otherwise provided.

(2) (a) Market value is the value at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts.

(b) If the department uses the cost approach as one approximation of market value, the department shall fully consider reduction in value caused by depreciation, whether through physical depreciation, functional obsolescence, or economic obsolescence.

(c) If the department uses the income approach as one approximation of market value and sufficient, relevant information on comparable sales and construction cost exists, the department shall rely upon the two methods that provide a similar market value as the better indicators of market value.

(d) Except as provided in subsection (4), the market value of special mobile equipment and agricultural tools, implements, and machinery is the average wholesale value shown in national appraisal guides and manuals or the value before reconditioning and profit margin. The department shall prepare valuation schedules showing the average wholesale value when a national appraisal guide does not exist.

(3) (a) In valuing class four residential and commercial property described in 15-6-134, the department shall conduct the appraisal following the appropriate uniform standards of professional appraisal practice for mass appraisal promulgated by the appraisal standards board of the appraisal foundation. In valuing the property, the department shall use information available from any source considered reliable. Comparable properties used for valuation must represent similar properties within an acceptable proximity of the property being valued. The department shall use the same valuation method to value residential properties in the same neighborhood or subdivision unless there is a compelling reason to use a different approach.

(b) When valuing residential property under the cost approach, the department shall document why the comparable sales model does not support usage of the comparable sales approach, including an analysis of whether the cost approach is used for other class four residential property in the market area.

(4) The department may not adopt a lower or different standard of value from market value in making the official assessment and appraisal of the value of property, except:

(a) the market value for agricultural implements and machinery is the average wholesale value category as provided in published national agricultural and implement valuation guides. The valuation guide must provide average wholesale values specific to the state of Montana or a region that includes the state of Montana. The department shall adopt by rule the valuation guides used as provided in this subsection (4)(a). If the average wholesale value category is unavailable, the department shall use a comparable wholesale value category.

~~(b) for agricultural implements and machinery not listed in an official guide, the department shall prepare a supplemental manual in which the values reflect the same depreciation as those found in the official guide;~~

~~(c)~~*(b)* (i) for condominium property, the department shall establish the value as provided in subsection (5); and

(ii) for a townhome or townhouse, as defined in 70-23-102, the department shall determine the value in a manner established by the department by rule; and

~~(d)~~*(c)* as otherwise authorized in Titles 15 and 61.

(5) (a) Subject to subsection (5)(c), if sufficient, relevant information on comparable sales is available, the department shall use the sales comparison approach to appraise residential condominium units. Because the undivided interest in common elements is included in the sales price of the condominium units, the department is not required to separately allocate the value of the common elements to the individual units being valued.

(b) Subject to subsection (5)(c), if sufficient, relevant information on income is made available to the department, the department shall use the income approach to appraise commercial condominium units. Because the undivided interest in common elements contributes directly to the income-producing capability of the individual units, the department is not required to separately allocate the value of the common elements to the individual units being valued.

(c) If sufficient, relevant information on comparable sales is not available for residential condominium units or if sufficient, relevant information on income is not made available for commercial condominium units, the department shall value condominiums using the cost approach. When using the cost approach, the department shall value the units individually and allocate only the common area elements to the units based on the percentage of undivided interest in the condominium declaration.

(6) For purposes of taxation, assessed value is the same as appraised value.

(7) The taxable value for all property is the market value multiplied by the tax rate for each class of property.

(8) The market value of properties in 15-6-131 through 15-6-134, 15-6-143, and 15-6-145 is as follows:

(a) Properties in 15-6-131, under class one, are assessed at 100% of the annual net proceeds after deducting the expenses specified and allowed by 15-23-503 or, if applicable, as provided in 15-23-515, 15-23-516, 15-23-517, or 15-23-518.

(b) Properties in 15-6-132, under class two, are assessed at 100% of the annual gross proceeds.

(c) Properties in 15-6-133, under class three, are assessed at 100% of the productive capacity of the lands when valued for agricultural purposes. All lands that meet the qualifications of 15-7-202 are valued as agricultural lands for tax purposes.

(d) Properties in 15-6-134, under class four, are assessed at 100% of market value.

(e) Properties in 15-6-143, under class ten, are assessed at 100% of the forest productivity value of the land when valued as forest land.

(f) Railroad transportation properties in 15-6-145 are assessed based on the valuation formula described in 15-23-205.

(9) Land and the improvements on the land are separately assessed when any of the following conditions occur:

(a) ownership of the improvements is different from ownership of the land;

(b) the taxpayer makes a written request; or

(c) the land is outside an incorporated city or town.

(10) For the purpose of this section, the term "compelling reason" includes but is not limited to the following:

(a) there are no comparable sales in the neighborhood or subdivision;

(b) the comparable sales model prepared by the department shows that the subject property cannot be valued using the market sales approach; or

(c) other residential properties in the same neighborhood or subdivision are also valued using the cost approach and not the market sales approach."

Section 2. Applicability. [This act] applies to tax years beginning after December 31, 2025.

Approved April 7, 2025

CHAPTER NO. 84

[HB 120]

AN ACT EXPANDING OPPORTUNITIES FOR MULTIFAMILY FINANCING UNDER THE COMMERCIAL PROPERTY-ASSESSED CAPITAL ENHANCEMENTS ACT; AMENDING SECTION 90-4-1302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 90-4-1302, MCA, is amended to read:

"**90-4-1302. Definitions.** As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Authority" means the Montana facility finance authority created in 2-15-1815.

(2) "Commercial property-assessed capital enhancements program" or "program" means a program established in accordance with this part.

(3) "District" means a district that is established under this part by a local government and that lies within the local government's jurisdictional boundaries. A local government may create more than one district under a program.

(4) "Energy conservation measure" means a permanent cost-effective energy improvement fixed to real property, including new construction, and intended to decrease energy or water consumption and demand, including a product, device, or interacting group of products or devices on the customer's side of the meter that uses energy technology to generate electricity, provide thermal energy, or regulate temperature. The term includes but is not limited to:

(a) insulation in walls, roofs, floors, foundations, or heating and cooling distribution systems;

(b) storm windows and doors, including multiglazed windows and doors, heat-absorbing or heat-reflective glazed windows, coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption;

(c) automated energy control systems;

(d) heating, ventilating, or air-conditioning and distribution system modifications or replacements;

(e) caulking, weather-stripping, or air sealing;

(f) replacement or modification of lighting fixtures to reduce the energy use of the lighting system;

(g) energy recovery systems;

(h) daylighting systems;

(i) installation or upgrades of electrical wiring or outlets to charge a motor vehicle that is fully or partially powered by electricity;

(j) fuel source changes that result in cost savings;

(k) measures to reduce the usage of water or to increase the efficiency of water usage; and

(l) any other installation or modification of equipment, devices, or materials approved as a utility cost-saving measure by the governing body.

(5) "Energy conservation project" means the installation or modification of an energy conservation measure or the acquisition, installation, or improvement of a renewable energy system.

(6) "Governing body" means the legislative authority of a local government.

(7) "Local government" means a county, city, town, or a consolidated city-county.

(8) *"Multifamily housing facility" means a property with at least five units that are primarily intended for residential use, each with a full bathroom and a complete kitchen. The units may be rental units or owner-occupied units. The units may be attached, detached, semidetached, or row houses.*

(9) (a) "Person" means an individual, firm, partnership, association, corporation, unincorporated joint venture, or trust that is organized, permitted, or existing under the laws of this state or any other state, including a federal corporation, or a combination of individuals, firms, partnerships, associations, corporations, unincorporated joint ventures, or trusts.

(b) The term does not include a local government.

~~(9)~~*(10)* "Real property" means a privately owned commercial or industrial facility, ~~covered~~ multifamily housing ~~accommodation as defined in 49-2-305(6)~~ *facility*, or agricultural property.

~~(10)~~*(11)* "Record owner" means the person or persons possessing the most recent fee title as shown by the records of the county clerk and recorder.

~~(11)~~*(12)* "Renewable energy" has the meaning provided in 15-24-3102.

~~(12)~~*(13)* "Renewable energy system" means a fixture, product, device, or interacting group of fixtures, products, or devices on the customer's side of the meter that uses one or more forms of renewable energy to generate electricity or to reduce the use of nonrenewable energy. The term includes a biomass stove but does not include an incinerator or a digester."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved April 7, 2025

CHAPTER NO. 85

[HB 146]

AN ACT REVISING LICENSE FEES FOR MIGRATORY GAME BIRDS; CREATING FEES FOR SANDHILL CRANE AND SWAN APPLICATIONS AND LICENSES; REVISING THE MIGRATORY GAME BIRD LICENSE FEE; PROVIDING FOR FUNDS FROM SANDHILL CRANE AND SWAN LICENSE SALES TO BE DEPOSITED IN THE DEPARTMENT SPECIAL REVENUE ACCOUNT; AMENDING SECTIONS 87-2-113 AND 87-2-411, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 87-2-113, MCA, is amended to read:

"**87-2-113. Application fees.** (1) (a) Except as provided in subsection (1)(b), when the department determines a drawing is necessary prior to issuance of hunting licenses for any game species during a hunting season, it shall collect a $5 per species application fee.

(b) The department shall collect the following per species special license application fees:

(i) moose--resident, $10; nonresident, $50;

(ii) mountain goat--resident, $10; nonresident, $50;

(iii) mountain sheep--resident, $10; nonresident, $50;

(iv) sandhill crane--resident, $10; nonresident, $50;

(v) swan--resident, $10; nonresident, $50;

~~(iv)~~*(vi)* wild buffalo or bison--resident, $10; nonresident, $50.

(2) (a) If a resident participates in the bonus point system adopted by the commission, the department shall collect an additional application fee of $2 per species.

(b) If a nonresident participates in the bonus point system adopted by the commission, the department shall collect an additional application fee of $20 per species.

(3) Application fees collected pursuant to this section must be deposited in the state special revenue fund to the credit of the department as set forth in 87-1-601.

(4) The payment of an application fee confers no hunting rights or privileges.

(5) The commission may waive the provisions of subsection (1) when a drawing is required for a special season under 87-1-304."

Section 2. Section 87-2-411, MCA, is amended to read:

"**87-2-411. Migratory game bird, *sandhill crane, and swan* licenses -- fees -- disposition of proceeds.** (1) The fee for a resident to purchase ~~the~~ *a* migratory game bird license is ~~$5.50~~ *$10*. The fee for a nonresident to purchase ~~the~~ *a* migratory game bird license is $150.

(2) The fee for a resident to purchase a sandhill crane license is $10. The fee for a nonresident to purchase a sandhill crane license is $75. A person who purchases a sandhill crane license must also purchase a migratory game bird license.

(3) The fee for a resident to purchase a swan license is $10. The fee for a nonresident to purchase a swan license is $75. A person who purchases a swan license must also purchase a migratory game bird license.

~~(2)~~*(4)* Money received from the sale of migratory game bird*, sandhill crane, and swan* licenses must be deposited in an account in the state special revenue fund for the use of the department and may be expended only for the protection, conservation, and development of wetlands in Montana."

Section 3. Effective date. [This act] is effective March 1, 2026.

Approved April 7, 2025

CHAPTER NO. 86

[HB 150]

AN ACT GENERALLY REVISING ALCOHOL AND GAMBLING LAWS; REVISING OWNERSHIP CONSIDERATIONS IN GAMBLING AND ALCOHOL LICENSES; REVISING LAWS RELATED TO REGULATED LENDERS AND ALCOHOL AND GAMBLING LICENSES; REVISING LAWS RELATED TO OTHER PERSONS AND OWNERSHIP INTERESTS IN AN ALCOHOLIC BEVERAGE LICENSE OR GAMBLING LICENSE; AND AMENDING SECTIONS 16-4-801 AND 23-5-118, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 16-4-801, MCA, is amended to read:

"**16-4-801. Security interest in alcoholic beverage license -- definitions.** (1) (a) A security interest in an alcoholic beverage license is an interest in the alcoholic beverage license that secures payment or performance of an obligation. A contract for the sale of an alcoholic beverage license, including a provision allowing the seller to retain an ownership interest in the

license solely for the purpose of guaranteeing payment for the license, may, for the purposes of this section, be treated as a security interest.

(b) For the purposes of this section:

(i) "alcoholic beverage *license*" means a license issued under this chapter; and

(ii) "default" means that:

(A) the defaulting party has acknowledged in writing pursuant to the terms of a written security agreement or contract for sale that the defaulting party no longer has any ownership interest or any other rights to possess or control the alcoholic beverage license;

(B) a court of competent jurisdiction has made an order foreclosing all of the defaulting party's interests in the license; or

(C) there has been a nonjudicial sale by the secured party made pursuant to the Uniform Commercial Code and the secured party has provided written proof of the sale to the department.

(2) The department, after review of the underlying documents creating the security interest, may approve a transfer of ownership of an alcoholic beverage license subject to a security interest as provided in subsection (1). A person holding a security interest may not have any control in the operation of the business operated under a license subject to a security interest nor may that person share in the profits or the liabilities of the business other than the payment or performance of the licensee's obligation under a security agreement.

(3) (a) Within 7 days of a default by a licensee, the person holding the security interest shall give notice to the department of the licensee's default and either apply to have the license transferred to that person, subject to that person meeting the requirements of 16-4-401 and all other applicable provisions of this code, or the person shall place the license on nonuse status. On receipt of an application to transfer the license, the department may, pursuant to 16-4-433, grant the applicant temporary operating authority to operate the license. If the person holding the license places the license on nonuse status, the person shall transfer ownership of the license within 180 days from the date on which the notice of the default was given to the department. The operation of a business under a license by a person holding a security interest for more than 7 days after default of the licensee or without temporary operating authority issued by the department must be considered to be a violation of this code and constitutes grounds for the department to either deny an application for transfer of the license or for the revocation of the license pursuant to 16-4-406.

(b) If the person holding the security interest does not qualify for or cannot qualify for ownership of an alcoholic beverage license under 16-4-401, the secured party shall transfer ownership of the alcoholic beverage license within 180 days of the notice of the default of the licensee.

(c) The department, on a showing of good cause, may in its discretion extend the time for sale of the license for an additional period of up to 180 days.

(4) (a) A regulated lender, as defined in 31-1-111, may obtain a security interest in an alcoholic beverage license or in other assets of a business operating an alcoholic beverage license to secure a loan or a guaranty of a loan. A regulated lender may use loan and collateral documentation and loan and collateral structure consistent with that used by the regulated lender in commercial loans generally, and the documentation and structure used by the lender do not create an undisclosed ownership interest in the alcoholic beverage license or the licensee's business by a coborrower*,* ~~or~~ guarantor*, or other person who may directly or indirectly benefit from the pledge of the alcoholic beverage license as collateral* ~~if the department determines the borrower, coborrower, guarantor, and owner or owners of the assets pledged as collateral meet the~~

~~requirements of 16-4-401~~. As used in this subsection (4), permissible loan and collateral structuring includes but is not limited to permitting owners and nonowners of an alcoholic beverage license to:

(i) be coborrowers of a borrower's loan;

(ii) be guarantors of a borrower's loan, with or without a requirement that the regulated lender exhaust remedies against the borrower before collecting from the guarantor; ~~or~~

(iii) pledge assets as collateral for a borrower's loan or for a guaranty of a borrower's loan*; or*

(iv) pledge an alcoholic beverage license or the assets of an alcoholic beverage operation as additional collateral for a loan made by a regulated lender.

(b) A person claiming a security interest in an alcoholic beverage license may submit to the department copies of documents evidencing the security interest, the license number, and a $30 notification fee. The department shall deposit the fee as provided in 16-2-108. The department may create and provide a form to be used for this purpose.

(c) The department shall notify those that have filed information provided in subsection (4)(b):

(i) at least 20 days prior to issuance of an order of default for revocation, nonrenewal, or lapse of a license; or

(ii) immediately after the department's office of dispute resolution has issued a decision to uphold the department's revocation or nonrenewal of a license under 16-4-406 or lapse of a license under 16-3-310.

(5) When a licensee is the borrower, an owner of the licensee may make a payment on the institutional loan. If a payment is made under this subsection (5):

(a) the party making the payment must be vetted and approved prior to making the payment;

(b) the licensee shall notify the department within 90 days that the payment was made and designate whether the payment will be treated as a loan or an equity investment as follows:

(i) for a payment treated as a loan, the licensee shall memorialize the loan by a written agreement, which must be provided to the department; or

(ii) for a payment treated as an equity investment, if a change in ownership percentage occurs as a result, the licensee shall follow department requirements for disclosing changes in ownership percentages; and

(c) the funds used for the payment must be the party's own funds or funds borrowed from an institutional lender.

(6) If a borrower, coborrower, ~~or~~ guarantor*, or other person who may directly or indirectly benefit from the pledge of the alcoholic beverage license or the assets of an alcoholic beverage operation as collateral* is not the licensee or an owner of the licensee, the coborrower*,* ~~or~~ guarantor*, or other person* may make a payment on ~~the~~ *a licensee's* institutional loan, and the payment does not create an undisclosed ownership interest in the alcoholic beverage license by the borrower, coborrower, ~~or~~ guarantor*, or other person* only if:

(a) the licensee notifies the department within 90 days that the payment was made;

(b) the payment is made as a loan that is memorialized by a written agreement; and

(c) the funds used for the payment are the coborrower's*,* ~~or~~ guarantor's*, or other person's* own funds or funds borrowed from an institutional lender.

(7) A regulated lender that obtains a security interest in an alcoholic beverage license or in other assets of a business operating an alcoholic beverage license has no duty to ensure a coborrower's or guarantor's compliance with

the requirements of subsection (5) or (6) in connection with loan or guaranty payments it may receive from the coborrower or guarantor.

(8) For the purposes of subsections (5) and (6), the term "borrower" means the party that is primarily responsible for making payments and that receives the funds or on whose behalf the funds were paid."

Section 2. Section 23-5-118, MCA, is amended to read:

"**23-5-118. Transfer of ownership interest -- definitions.** (1) In this section, "licensed gambling operation" means a business for which a license was obtained under parts 1 through 8 of this chapter.

(2) Except as provided in subsection (4), an owner of an interest in a licensed gambling operation shall notify the department in writing and receive approval from the department before transferring any ownership interest in the operation to a person other than another approved owner of an interest in the operation.

(3) An owner of an interest in a licensed gambling operation may transfer an ownership interest to another owner of an interest in the same licensed gambling operation without prior department approval subject to reporting requirements provided by department rules.

(4) This section does not apply to the transfer of a security interest in a licensed gambling operation under the requirements of subsection (5) or to the transfer of less than 5% of the interest in a publicly traded corporation.

(5) A regulated lender, as defined in 31-1-111, may obtain a security interest in the assets of a licensed gambling operation to secure a loan or a guaranty of a loan. A regulated lender may use loan and collateral documentation and loan and collateral structure consistent with that used by the regulated lender in commercial loans generally, and the documentation and structure used by the lender do not create an undisclosed ownership interest in the licensee's business by a coborrower*,* ~~or~~ guarantor*, or other person who may directly or indirectly benefit from the pledge of the assets as collateral* ~~if the department determines the borrower, coborrower, guarantor, and owner or owners of the assets pledged as collateral meet the requirements of 23-5-176~~. As used in this subsection (5), permissible loan and collateral structuring includes but is not limited to permitting owners and nonowners of a licensed gambling operation to:

(a) be coborrowers of a borrower's loan;

(b) be guarantors of a borrower's loan, with or without a requirement that the regulated lender exhaust remedies against the borrower before collecting from the guarantor; ~~or~~

(c) pledge assets as collateral for a borrower's loan or for a guaranty of a borrower's loan*; or*

(d) pledge the assets of a licensed gambling operation as additional collateral for a loan made by a regulated lender.

(6) When a licensee is the borrower, an owner of the licensee may make a payment on the institutional loan. If a payment is made under this subsection (6):

(a) the licensee must notify the department within 90 days that the payment was made and designate whether the payment will be treated as a loan or an equity investment as follows:

(i) for a payment treated as a loan, the licensee must memorialize the loan by a written agreement, which must be provided to the department; or

(ii) for a payment treated as an equity investment, if a change in ownership percentage occurs as a result, the licensee must follow department requirements for disclosing changes in ownership percentages; and

(b) the funds used for the payment must be the party's own funds or funds borrowed from an institutional lender.

(7) If a borrower, coborrower, or guarantor is not the licensee or an owner of the licensee, the coborrower or guarantor may make a payment on ~~the~~ *a licensee's* institutional loan, and the payment does not create an undisclosed ownership in the licensee's business by the borrower, coborrower, or guarantor only if:

(a) the licensee notifies the department within 90 days that the payment was made;

(b) the payment is made as a loan that is memorialized by a written agreement; and

(c) the funds used for the payment are the coborrower's or guarantor's own funds or funds borrowed from an institutional lender.

(8) A regulated lender that obtains a security interest in the assets of a licensed gambling operation has no duty to ensure a coborrower's or guarantor's compliance with the requirements of subsection (6) or (7) in connection with loan or guaranty payments it may receive from the coborrower or guarantor.

(9) For the purposes of subsections (6) and (7), the term "borrower" means the party that is primarily responsible for making payments and that receives the funds or on whose behalf the funds were paid."

Approved April 7, 2025

CHAPTER NO. 87

[HB 164]

AN ACT REVISING THE UNIFORM UNCLAIMED PROPERTY ACT; DEFINING PAYROLL CARD; REVISING PRESUMPTIONS OF ABANDONMENT; PROVIDING FOR REPORTS BY ELECTRONIC MAIL DELIVERY OF PROPERTY PRESUMED ABANDONED; AND AMENDING SECTIONS 70-9-802, 70-9-803, AND 70-9-808, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 70-9-802, MCA, is amended to read:

"**70-9-802. Definitions.** In this part, unless the context requires otherwise, the following definitions apply:

(1) "Administrator" means the department of revenue provided for in 2-15-1301.

(2) "Apparent owner" means a person whose name appears on the records of a holder as the person entitled to property held, issued, or owing by the holder.

(3) "Business association" means a corporation, joint-stock company, investment company, partnership, unincorporated association, joint venture, limited liability company, business trust, trust company, land bank, safe deposit company, financial organization, insurance company, mutual fund, utility, or other business entity consisting of one or more persons, whether or not for profit.

(4) "Domicile" means the state of incorporation of a corporation and the state of the principal place of business of a holder other than a corporation.

(5) "Financial organization" means a savings and loan association, bank, banking organization, or credit union.

(6) "Gift certificate" has the meaning provided in 30-14-102.

(7) "Holder" means a person obligated to hold for the account of, or deliver or pay to, the owner property that is subject to this part.

(8) "Insurance company" means an association, corporation, or fraternal or mutual benefit organization, whether or not for profit, engaged in the business of providing life endowments, annuities, or insurance, including accident, burial, casualty, credit life, contract performance, dental, disability, fidelity, fire, health, hospitalization, illness, life, malpractice, marine, mortgage, surety, wage protection, and workers' compensation insurance.

(9) "Mineral" means gas; oil; coal; other gaseous, liquid, and solid hydrocarbons; oil shale; cement material; sand and gravel; road material; building stone; chemical raw material; gemstone; fissionable and nonfissionable ores; colloidal and other clay; steam and other geothermal resource; or any other substance defined as a mineral by the law of this state.

(10) "Mineral proceeds" means amounts payable for the extraction, production, or sale of minerals or, upon the abandonment of those payments, all payments that become payable after abandonment. The term includes amounts payable:

(a) for the acquisition and retention of a mineral lease, including bonuses, royalties, compensatory royalties, shut-in royalties, minimum royalties, and delay rentals;

(b) for the extraction, production, or sale of minerals, including net revenue interests, royalties, overriding royalties, extraction payments, and production payments; and

(c) under an agreement or option, including a joint operating agreement, unit agreement, pooling agreement, and farmout agreement.

(11) (a) "Money order" includes an express money order and a personal money order, on which the remitter is the purchaser.

(b) The term does not include a bank money order or any other instrument sold by a financial organization if the seller has obtained the name and address of the payee.

(12) "Owner" means a person who has a legal or equitable interest in property subject to this part or the person's legal representative. The term includes a depositor in the case of a deposit, a beneficiary in the case of a trust other than a deposit in trust, and a creditor, claimant, or payee in the case of other property.

(13) "Payroll card" means a record that evidences a payroll card account as defined in Regulation E, 12 CFR, part 1005, as of April 19, 2023.

~~(13)~~*(14)* "Person" means an individual, business association, financial organization, estate, trust, government, governmental subdivision, agency, or instrumentality or any other legal or commercial entity.

~~(14)~~*(15)* "Personal information" means:

(a) information that identifies or reasonably can be used to identify an individual, such as a first and last name in combination with the individual's:

(i) social security number or other government-issued number or identifier;

(ii) date of birth;

(iii) home or physical address;

(iv) electronic mail address or other online contact information or internet provider address;

(v) financial account number or credit or debit card number;

(vi) biometric data, health or medical data, or insurance information; or

(vii) passwords or other credentials that permit access to an online account or other account; and

(b) personally identifiable financial or insurance information, including nonpublic personal information defined by applicable federal law.

~~(15)~~*(16)* (a) "Property" means tangible property described in 70-9-804 or a fixed and certain interest in intangible property that is held, issued, or owed in

the course of a holder's business or, except as provided in subsection ~~(15)~~*(16)*(b), by a government, governmental subdivision, agency, or instrumentality and all income or increments from the property. The term includes property that is referred to as or evidenced by:

(i) money, virtual currency, check, draft, deposit, interest, ~~or~~ dividend*, or payroll card*;

(ii) credit balance, customer's overpayment, gift certificate, security deposit, refund, credit memorandum, unpaid wage, unused ticket, mineral proceeds, or unidentified remittance;

(iii) stock or other evidence of ownership of an interest in a business association or financial organization;

(iv) bond, debenture, note, or other evidence of indebtedness;

(v) money deposited to redeem stocks, bonds, coupons, or other securities or to make distributions;

(vi) an amount due and payable under the terms of an annuity or insurance policy, including policies providing life insurance, property and casualty insurance, workers' compensation insurance, or health and disability insurance; and

(vii) an amount distributable from a trust or custodial fund that is established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or similar benefits.

(b) The term does not include:

(i) property that is held, issued, or owed by a local government entity, as defined in 2-7-501;

(ii) property held in state and local government sponsored retirement plans governed by Title 19;

(iii) property held in a plan as described in section 529A of the Internal Revenue Code, 26 U.S.C. 529A, as amended.

~~(16)~~*(17)* "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and that is retrievable in perceivable form.

~~(17)~~*(18)* "Security" means:

(a) a security as defined in 30-8-112;

(b) a security entitlement as defined in 30-8-112, including a customer security account held by a registered broker-dealer, to the extent the financial assets held in the security account are not:

(i) registered on the books of the issuer in the name of the person for which the broker-dealer holds the assets;

(ii) payable to the order of the person; or

(iii) specifically indorsed to the person; or

(c) an equity interest in a business association not included in subsection ~~(17)(a) or (17)(b)~~ *(18)(a) or (18)(b)*.

~~(18)~~*(19)* "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession that is subject to the jurisdiction of the United States.

~~(19)~~*(20)* "Utility" means a person who owns or operates for public use any plant, equipment, real property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.

~~(20)~~*(21)* (a) "Virtual currency" means a digital representation of value used as a medium of exchange, unit of account, or store of value that does not have legal tender status recognized by the United States.

(b) The term does not include:

(i) the software or protocols governing the transfer of the digital representation of value;

(ii) game-related digital content; or

(iii) a loyalty card.

~~(21)~~*(22)* "Worthless security" means a security whose cost of liquidation and delivery to the administrator would exceed the value of the security on the date a report is due under this part."

Section 2. Section 70-9-803, MCA, is amended to read:

"**70-9-803. Presumptions of abandonment.** (1) ~~Except as provided in subsection (6), property~~ *Property* is presumed abandoned if it is unclaimed by the apparent owner *measured by the later of the latest indication of interest by the apparent owner in the property or* during the time set forth below for the particular property:

(a) traveler's check, 15 years after issuance;

(b) money order, 7 years after issuance;

(c) debt of a business association or financial organization, other than a bearer bond or an original issue discount bond, 5 years after the date of the most recent interest payment that was unclaimed by the apparent owner;

(d) *a payroll card, or a* demand, savings, or time deposit, including a deposit that is automatically renewable, 5 years after the earlier of maturity or the date of the last indication by the owner of interest in the property; however, a deposit that is automatically renewable is considered matured ~~for purposes of this section~~ upon its initial date of maturity unless the ~~owner has~~ *apparent owner* consented ~~to a renewal at or about the time of the renewal and the consent is in writing or is evidenced by a memorandum or other record on file with the holder~~ *in a record on file with the holder to renewal at or about the time of the renewal*;

(e) money or credits owed to a customer as a result of a retail business transaction, 3 years after the obligation accrued;

(f) gift certificate, 3 years after December 31 of the year in which the certificate was sold, but if redeemable in merchandise only, the amount abandoned is considered to be 60% of the certificate's face value. A gift certificate is not presumed abandoned if the gift certificate was sold by a person who in the past fiscal year sold no more than $200,000 in gift certificates, which amount must be adjusted by November of each year by the inflation factor. The amount considered abandoned for a person who sells more than the amount that triggers presumption of abandonment is the value of gift certificates greater than that trigger.

(g) amount that is owed by an insurer on a life or endowment insurance policy or an annuity that has matured or terminated, 3 years after the obligation to pay arose or, in the case of a policy or annuity payable on proof of death, 3 years after the insured has attained, or would have attained if living, the limiting age under the mortality table on which the reserve is based;;

(h) property distributable by a business association or financial organization in a course of dissolution, 1 year after the property becomes distributable;

(i) property received by a court as proceeds of a class action and not distributed pursuant to the judgment, 1 year after the distribution date;

(j) property held by a court, government, governmental subdivision, agency, or instrumentality, 1 year after the property becomes distributable;

(k) wages or other compensation for personal services, 1 year after the compensation becomes payable;

(l) deposit or refund owed to a subscriber by a utility, 1 year after the deposit or refund becomes payable;

(m) property in an individual retirement account, defined benefit plan, or other account or plan that is qualified for tax deferral under the income tax laws of the United States, 3 years after the earliest of the date of the distribution or attempted distribution of the property, the date of the required distribution as stated in the plan or trust agreement governing the plan, or the date, if determinable by the holder, specified in the income tax laws of the United States by which distribution of the property must begin in order to avoid a tax penalty;

(n) a patronage refund owed to a member of a rural electric*, natural gas,* or telephone cooperative organized under Title 35, chapter 18, that is not used by the cooperative for educational purposes, 5 years after the distribution date;

(o) an unclaimed share in a cooperative that is not used for charitable or civic purposes in the community in which the cooperative is located, 5 years after the distribution date;

(p) a security, as provided in 70-9-830; and

(q) all other property, 5 years after the owner's right to demand the property or after the obligation to pay or distribute the property arises, whichever first occurs.

(2) At the time that an interest is presumed abandoned under subsection (1), any other property right accrued or accruing to the owner as a result of the interest, and not previously presumed abandoned, is also presumed abandoned.

~~(3) Property is unclaimed if, for the applicable period set forth in subsection (1), the apparent owner has not communicated in writing or by other means reflected in a contemporaneous record prepared by or on behalf of the holder with the holder concerning the property or the account in which the property is held and has not otherwise indicated an interest in the property. A communication with an owner by a person other than the holder or its representative who has not in writing identified the property to the owner is not an indication of interest in the property by the owner.~~

~~(4) An indication of an owner's interest in property includes:~~

~~(a) the presentment of a check or other instrument of payment of a dividend or other distribution made with respect to an account or underlying stock or other interest in a business association or financial organization or, in the case of a distribution made by electronic or similar means, evidence that the distribution has been received;~~

~~(b) owner-directed activity in the account in which the property is held, including a direction by the owner to increase, decrease, or change the amount or type of property held in the account;~~

~~(c) the making of a deposit to or withdrawal from an account in a financial organization; and~~

~~(d) the payment of a premium with respect to a property interest in an insurance policy; however, the application of an automatic premium loan provision or other nonforfeiture provision contained in an insurance policy does not prevent a policy from maturing or terminating if the insured has died or the insured or the beneficiary of the policy has otherwise become entitled to the proceeds before the depletion of the cash surrender value of a policy by the application of those provisions.~~

~~(5)~~*(3)* Property is payable or distributable for purposes of this part notwithstanding the owner's failure to make demand or present an instrument or document otherwise required to obtain payment.

(4) An indication of an apparent owner's interest in property includes:

(a) a record communicated by the apparent owner to the holder or agent of the holder concerning the property or the account in which the property is held;

(b) an oral communication by the apparent owner to the holder or agent of the holder concerning the property or the account in which the property is held, if the holder or agent contemporaneously makes and preserves a record of the fact of the apparent owner's communication;

(c) presentment of a check or other instrument of payment of a dividend, interest payment, or other distribution, or evidence of receipt of a distribution made by electronic or similar means, with respect to an account, underlying security, or interest in a business association;

(d) activity directed by an apparent owner in the account in which the property is held, including accessing the account or information concerning the account, or a direction by the apparent owner to increase, decrease, or otherwise change the amount or type of property held in the account;

(e) a deposit in or withdrawal from an account at a financial organization, including an automatic deposit or withdrawal previously authorized by the apparent owner other than an automatic reinvestment of dividends or interest;

(f) subject to subsection (7), payment of a premium on an insurance policy;

(g) any other action by the apparent owner that reasonably demonstrates to the holder that the apparent owner knows that the property exists.

(5) An action by an agent or other representative of an apparent owner, other than the holder acting as the apparent owner's agent, is presumed to be an action on behalf of the apparent owner.

(6) A communication with an apparent owner by a person other than the holder or the holder's representative is not an indication of interest in the property by the apparent owner unless a record of the communication evidences the apparent owner's knowledge of a right to the property.

(7) If the insured dies or the insured or beneficiary of an insurance policy otherwise becomes entitled to the proceeds before depletion of the cash surrender value of the policy by operation of an automatic premium loan provision or other nonforfeiture provision contained in the policy, the operation does not prevent the policy from maturing or terminating.

~~(6)~~*(8)* The presumption provided in subsection (1) does not apply to:

(a) unclaimed patronage refunds of a rural electric or telephone cooperative if the cooperative uses the refunds exclusively for educational purposes; or

(b) unclaimed shares in a nonutility cooperative if the cooperative uses the shares for charitable or civic purposes in the community in which the cooperative is located.

~~(7)~~*(9)* ~~For the purposes of~~ *As used in* this section, "inflation factor" means a number determined for each tax year by dividing the consumer price index for June of the previous tax year by the consumer price index for June 2015."

Section 3. Section 70-9-808, MCA, is amended to read:

"**70-9-808. Report of abandoned property.** (1) A holder of property presumed abandoned shall make a report to the administrator concerning the property.

(2) The report must be verified and must contain:

(a) a description of the property;

(b) except with respect to a traveler's check or money order, the name, if known, and last-known address, if any, and the social security number or taxpayer identification number, if readily ascertainable, of the apparent owner of property of the value of $50 or more;

(c) an aggregated amount of items valued under $50 each;

(d) in the case of an amount of $50 or more held or owing under an annuity or a life or endowment insurance policy, the full name and last-known address of the annuitant or insured and of the beneficiary;

(e) in the case of property held in a safe deposit box or other safekeeping depository, an indication of the place where it is held and where it may be inspected by the administrator and any amounts owing to the holder;

(f) the date, if any, on which the property became payable, demandable, or returnable and the date of the last transaction with the apparent owner with respect to the property; and

(g) other information that the administrator by rule prescribes as necessary for the administration of this part, including personal information as defined in 70-9-802 about the apparent owner or the apparent owner's property to the extent not otherwise prohibited by federal law.

(3) If a holder of property presumed abandoned is a successor to another person that previously held the property for the apparent owner or the holder has changed its name while holding the property, the holder shall file with the report its former names, if any, and the known names and addresses of all previous holders of the property.

(4) The report must be filed before November 1 of each year and cover the 12 months next preceding July 1 of that year, but a report with respect to a life insurance company must be filed before May 1 of each year for the calendar year next preceding.

(5) The holder of property that is presumed abandoned shall send written notice to the apparent owner, not more than 120 days or less than 60 days before filing the report, stating that the holder is in possession of property subject to this part if:

(a) the holder has in its records an address for the apparent owner that the holder's records do not disclose to be inaccurate;

(b) the claim of the apparent owner is not barred by a statute of limitations; and

(c) the value of the property is $50 or more.

(6) If an apparent owner has consented to receive electronic mail delivery from the holder, the holder shall send the notice described in this subsection (6) by either first-class United States mail to the apparent owner's last-known mailing address or by electronic mail, unless the holder believes that the apparent owner's electronic mail address is invalid.

(a) Notice under this subsection (6) must contain a heading that reads substantially as follows: Notice. The State of Montana requires us to notify you that your property may be transferred to the custody of the Unclaimed Property Program of the Montana Department of Revenue if you do not contact us within 30 days of this notice.

(b) The notice must additionally:

(i) identify the nature and, except for property that does not have a fixed value, the value of the property that is the subject of the notice;

(ii) state that the property will be turned over to the administrator;

(iii) state that after the property is turned over to the administrator an apparent owner who seeks return of the property must file a claim with the administrator;

(iv) state that property that is not legal tender of the United States may be sold by the administrator; and

(v) provide instructions that the apparent owner shall follow to prevent the holder from reporting and paying or delivering the property to the administrator.

~~(6)~~*(7)* Before the date for filing the report, the holder of property presumed abandoned may request the administrator to extend the time for filing the report. The administrator may grant the extension for good cause. The holder, upon receipt of the extension, may make an interim payment on the amount

the holder estimates will ultimately be due, which terminates the accrual of additional interest on the amount paid.

~~(7)~~*(8)* The holder of property presumed abandoned shall file with the report an affidavit stating that the holder has complied with subsection (5)."

Approved April 7, 2025

CHAPTER NO. 88

[HB 165]

AN ACT REVISING VEHICLE TRANSFER REQUIREMENTS; ALLOWING A VEHICLE TRANSFER WITH AN AFFIDAVIT; PROHIBITING THE MOTOR VEHICLE DIVISION OF THE DEPARTMENT OF JUSTICE FROM REQUIRING THE NOTARIZATION OF AN AFFIDAVIT; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 61-3-208, 61-3-216, 61-3-218, 61-3-220, 61-3-303, AND 61-14-101, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 61-3-208, MCA, is amended to read:

"**61-3-208. Affidavit and bond for certificate of title.** (1) If an applicant for a certificate of title cannot provide the department with the certificate of title that assigns the prior owner's interest in the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile to the applicant, the department may issue a certificate of title if subsection (2) is complied with.

(2) (a) The applicant shall submit an affidavit in a form prescribed by the department that must be signed and sworn to ~~before an officer authorized to administer oaths and affirmations~~ *in the manner provided for in 1-6-105*. The affidavit must accompany the application for the certificate of title and must:

(i) include the facts and circumstances through which the applicant acquired ownership and possession of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile;

(ii) disclose security interests, liens, or encumbrances that are known to the applicant and that are outstanding against the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile; *and*

(iii) state that the applicant has the right to have a certificate of title issued.

(b) The application must satisfy one of the following conditions:

(i) The vehicle for which the application is being made must be a camper, off-highway vehicle, motorboat, personal watercraft, sailboat 12 feet in length or longer, or snowmobile, and the loss of the certificate of title must be established by the applicant to the department's satisfaction.

(ii) If application is being made for a certificate of title to a motor vehicle, trailer, semitrailer, or pole trailer that is 30 years old or older or with a value of $1,000 or less, the applicant shall establish the loss of the certificate of title to the department's satisfaction and either provide evidence of the value of the motor vehicle, trailer, semitrailer, or pole trailer based on the vehicle condition as determined by the applicable national appraisal guide for the vehicle as of January 1 for the year in which the application is made or, if a national appraisal guide is not available for a motor vehicle, trailer, semitrailer, or pole trailer, the applicant shall certify the value of the motor vehicle, trailer, semitrailer, or pole trailer by providing the bill of sale and a notarized document from the applicant attesting to the value.

(iii) If application is being made for a motor vehicle, trailer, semitrailer, or pole trailer that is less than 30 years old with a value that exceeds $1,000, the applicant shall provide a bond, in a form prescribed by the department, issued by a surety company authorized to do business in this state, in an amount equal to the value of the motor vehicle, trailer, semitrailer, or pole trailer for which the application is being made as determined by the applicant, based on the vehicle condition as determined by the applicable national appraisal guide for the motor vehicle, trailer, semitrailer, or pole trailer as of January 1 for the year in which the application is made or, if a national appraisal guide is not available for a motor vehicle, trailer, semitrailer, or pole trailer, the applicant shall certify the value of the motor vehicle, trailer, semitrailer, or pole trailer by providing the bill of sale and a notarized document from the applicant attesting to the value. The bond is conditioned to indemnify a prior owner, lienholder, subsequent purchaser, secured creditor, or encumbrancer of the motor vehicle, trailer, semitrailer, or pole trailer and any respective successors in interest against expenses, losses, or damages, including reasonable attorney fees, caused by the issuance of the certificate of title or by a defect in or undisclosed security interest upon the right, title, and interest of the applicant in the motor vehicle, trailer, semitrailer, or pole trailer.

(iv) If the application is being made for a motor vehicle sold without a manufacturer's certificate of origin, the applicant shall:

(A) purchase and install all equipment required for the motor vehicle pursuant to Title 61, chapter 9, part 2;

(B) obtain an inspection by a law enforcement agent to verify that all required equipment is present and operational; *and*

(C) provide a bond, in a form prescribed by the department, issued by a surety company authorized to do business in this state, in an amount equal to the full retail price of the motor vehicle for which the application is being made. The bond is conditioned to indemnify a prior owner, lienholder, subsequent purchaser, secured creditor, or encumbrancer of the motor vehicle and any respective successors in interest against expenses, losses, or damages, including reasonable attorney fees, caused by the issuance of the certificate of title or by a defect in or undisclosed security interest upon the right, title, and interest of the applicant in the motor vehicle.

(3) Any interested person has a right of action to recover on the bond furnished under this section for a breach of its conditions, but the aggregate liability of the surety to all persons may not exceed the amount of the bond.

(4) Unless the department has been notified of a pending action to recover the bond furnished under this section, the department shall return the bond at the earlier of:

(a) 3 years from the date of issuance of the certificate of title; or

(b) the date of surrender of the valid certificate of title to the department if the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile is no longer required to have a certificate of title in this state."

Section 2. Section 61-3-216, MCA, is amended to read:

"**61-3-216. Certificates of title -- application -- contents -- issuance.** (1) The owner of a motor vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle shall apply for a certificate of title on a form prescribed by the department or, if authorized by the department, in an electronic record provided by the department and made available to an authorized agent of the department or a county treasurer.

(2) The application for a certificate of title, upon completion, must include:

(a) the owner's name, Montana residence and, if different, mailing address, and customer identification number;

(b) a description of the motor vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle, including, as available and pertinent to the vehicle:

(i) the motor vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle make, model, manufacturer's designated model year of manufacture, vehicle identification number, and type of body and a description of motive power;

(ii) the odometer reading, if applicable, at the time of transfer of ownership;

(iii) the gross vehicle weight rating, gross vehicle weight, or shipping weight, if applicable, as determined by the manufacturer;

(iv) whether the motor vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle was new or used at the time of transfer; and

(v) for a trailer operating intrastate, its declared weight;

(c) the date on which the motor vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle was purchased by or was transferred to the applicant, the name and address of the person from whom the motor vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle was acquired, and the names and addresses of any secured parties or lienholders for whom the applicant is acknowledging a voluntary security interest;

(d) any other information that the department requires to identify the motor vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle and to enable the department to determine whether the owner is entitled to a certificate of title and to determine the existence of security interests in the motor vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle;

(e) if applicable, an odometer statement containing the information required in 61-3-206 or, if the title does not contain a space for the information, a separate document approved by the department that provides the same information that is required in 61-3-206; and

(f) a section that gives the applicant the option to direct the department, upon examination and review of the records and completion of the application process, to:

(i) issue a certificate of title as soon as possible; or

(ii) update the electronic record of title for the motor vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle, issue a transaction summary receipt, and postpone the issuance of a certificate of a title until the motor vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle owner submits a separate request for issuance of the certificate of title.

(3) The department may require a manufacturer's certificate of origin to be submitted with an application for a certificate of title to a new motor vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle.

(4) Except as provided in 61-3-208 or subsection (4)(b) of this section, if the application is for a certificate of title to a used motor vehicle, trailer, semitrailer,

pole trailer, travel trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle, the application must be:

(a) accompanied by a certificate of title that is properly assigned by the prior owner to the applicant; or

(b) acknowledged by the prior owner if the prior owner's interest in the motor vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle was assigned to the applicant by means of a transfer on the electronic record of title entered by an authorized agent of the department or a county treasurer.

(5) If the application is for a certificate of title to a camper and if a certificate of title properly assigned by the prior owner is not available, the application must be accompanied by a ~~notarized~~ bill of sale or a conditional sales contract *and an affidavit sworn in the manner provided for in 1-6-105 in which the affiant affirms the validity of the bill of sale or conditional sales contract for the transaction*.

(6) If the application is for a certificate of title to a motorboat, a personal watercraft, a sailboat that is 12 feet in length or longer, or a snowmobile and a certificate of title properly assigned by the prior owner is not available, the application must be accompanied by a ~~notarized~~ bill of sale *and an affidavit sworn in the manner provided for in 1-6-105 in which the affiant affirms the validity of the bill of sale for the transaction*, an invoice, the current registration receipt for the motorboat, personal watercraft, sailboat, or snowmobile, or a certificate of number showing the transfer of ownership, which may be used to show the transfer of ownership for a motorboat, personal watercraft, sailboat, or snowmobile from the immediate prior owner to the applicant."

Section 3. Section 61-3-218, MCA, is amended to read:

"**61-3-218. Certificate of title -- issuance -- delivery.** (1) Except as provided in subsection (2), if a person who applied for a certificate of title also requested the issuance of the certificate of title as provided in 61-3-216(2)(f)(i), upon receipt of the application and all supporting documents and after an examination and determination that the application is complete and regular, the department shall issue a certificate of title of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile and shall mail the certificate of title to the owner.

(2) If a person to whom a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile was transferred has not satisfied the titling and registration provisions of this chapter or, if applicable, the registration provisions of Title 23, chapter 2, part 5 or 6, within the 40-day period provided in ~~61-3-220(3)~~ *61-3-220(2)* and the secured party or lienholder pays the title fee required in 61-3-203, the department may mail a certificate of title to the secured party or lienholder upon request of the secured party or lienholder.

(3) (a) A motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owner who requested the delayed issuance of a certificate of title under 61-3-216(2)(f)(ii), in the initial application for a certificate of title, may submit a request for the issuance of the certificate of title to the department, its authorized agent, or a county treasurer in a manner prescribed by the department. Upon receipt, the department shall issue a certificate of title for the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile and mail the certificate of title to the owner.

(b) A title fee may not be demanded from the owner or collected by the department, its authorized agent, or a county treasurer for a certificate of title requested or issued under subsection (3)(a)."

Section 4. Section 61-3-220, MCA, is amended to read:

"**61-3-220. Certificate of title -- voluntary transfer -- duties.** (1) Upon the voluntary transfer of any interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile for which a certificate of title was issued under the provisions of this chapter, the owner whose interest is to be transferred shall:

(a) authorize, in writing and on a form prescribed by the department, an authorized agent, or a county treasurer, to enter the transfer of the owner's interest in the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile to the transferee on the electronic record of title maintained under 61-3-101; or

(b) execute a transfer in the appropriate space provided on the certificate of title issued to the owner and deliver the assigned certificate of title to:

(i) the transferee at the time of delivery of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile; or

(ii) the department, its authorized agent, or a county treasurer if an application for a certificate of title has been completed by the transferee and accompanies the assigned certificate of title.

~~(2) When transfer occurs between individuals, the transferor's signature on the certificate of title, or the form authorizing transfer of interest upon the electronic record of title, must be acknowledged before the county treasurer, a deputy county treasurer, an elected official authorized to acknowledge signatures, an employee or authorized agent of the department, or a notary public.~~

~~(3)~~*(2)* Except as provided in 61-4-111, the person to whom an interest in a motor vehicle has been transferred shall:

(a) execute an application for a certificate of title in the space provided on the assigned certificate of title or as prescribed by the department;

(b) request the return of the original title for vehicles 30 years or older, or whose certificates of title were removed from department records pursuant to 61-3-227, on a form prescribed by the department; and

(c) within 40 days after the interest in the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile was transferred to the person, either:

(i) apply for a certificate of title under 61-3-216 and register the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile under 61-3-303; or

(ii) subject to the limitations of 61-3-312, register the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile without the surrender of a previously assigned certificate of title and application for certificate of title under 61-3-303.

~~(4)~~*(3)* If the person to whom an interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile has been transferred fails to comply with the requirements described in subsection ~~(3)~~ *(2)* within the 40-day grace period, a late penalty of $10 must be imposed against the transferee. The penalty must be paid before the transferee registers the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile in this state, with or without the surrender of an assigned certificate of title. The penalty is in addition to the fees otherwise provided by law.

~~(5)~~*(4)* If the transferee does not comply with the requirements of subsection ~~(3)~~*(2)* within the 40-day grace period, a secured party or lienholder of record may pay the fees for the transfer of title and for filing a voluntary security

interest or lien. The secured party or lienholder is not liable for the late penalty imposed in subsection ~~(4)~~ *(3)* or for registration fees, taxes, or fees in lieu of tax on the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile.

~~(6)~~*(5)* The department may adopt rules for the transfer of vehicles in this section."

Section 5. Section 61-3-303, MCA, is amended to read:

"**61-3-303. Original registration -- process -- fees.** (1) Except as provided in 61-3-324, a Montana resident who is an owner of a motor vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public highways of this state shall register the motor vehicle, trailer, semitrailer, or pole trailer in the county where the registering owner is domiciled. A nonresident who has an interest in real property in Montana may register in the county where the real property is located a motor vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public highways of this state. A person serving or retired from serving aboard the USS Montana may register by mail in Lewis and Clark County using forms prescribed by the department.

(2) A Montana resident who is an owner of a motor vehicle, trailer, semitrailer, or pole trailer with co-owners, one or more of whom are not Montana residents, may register the vehicle regardless of the fact that one or more of the co-owners would otherwise not qualify to register the vehicle under subsection (1) if the registering Montana resident is:

(a) an individual human being; and

(b) the principal operator of, and in whom is vested the right of possession and control of, the vehicle.

(3) Except as provided in subsection (4), the county treasurer or an authorized agent shall register any vehicle for which:

(a) as of the date that the motor vehicle, trailer, semitrailer, or pole trailer is to be registered, an owner delivers an application for a certificate of title to the department, an authorized agent, or a county treasurer; or

(b) the county treasurer or an authorized agent confirms that the department has an electronic record of title for the motor vehicle, trailer, semitrailer, or pole trailer as provided under 61-3-101.

(4) (a) A county treasurer or an authorized agent may register a motor vehicle, trailer, semitrailer, or pole trailer for which a certificate of title and registration were issued in another jurisdiction and for which registration is required under 61-3-701 after the county treasurer or the authorized agent examines the current out-of-jurisdiction registration certificate or receipt and receives payment of the fees required in 61-3-701. The county treasurer or an authorized agent may ask the motor vehicle, trailer, semitrailer, or pole trailer owner to provide additional information, prescribed by the department, to ensure that the electronic record of registration maintained by the department is complete.

(b) A county treasurer or an authorized agent shall collect fees pursuant to 61-3-203 and ~~61-3-220(4)~~ *61-3-220(3)* and issue a 90-day temporary registration permit pursuant to 61-3-224 for a motor vehicle, trailer, semitrailer, pole trailer, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for which the new owner cannot, due to circumstances beyond the new owner's control, surrender a previously assigned certificate of title. The new owner shall request the 90-day temporary registration permit from the authorized agent or county treasurer that originally issued the temporary registration permit.

(c) A person serving or retired from serving aboard the USS Montana shall include in an application for a certificate of title, in a manner prescribed by the

department, proof that the person has current orders to serve or has previously served aboard the USS Montana.

(5) Upon registering a motor vehicle, trailer, semitrailer, or pole trailer for the first time in this state, the county treasurer or an authorized agent shall:

(a) update the electronic record of title, if any, maintained for the vehicle by the department under 61-3-101;

(b) assign a registration period for the vehicle under 61-3-311;

(c) determine the vehicle's age, if required, under 61-3-501;

(d) determine the amount of fees, including local option taxes or fees, to be paid under subsection (6); and

(e) assign and issue license plates for the vehicle under 61-3-331.

(6) Unless otherwise provided by law, a person registering a motor vehicle shall pay to the county treasurer or an authorized agent:

(a) the fees in lieu of tax or registration fees as required for:

(i) a light vehicle under 61-3-321 or 61-3-562, in addition to, if applicable, any local option tax or fee under 61-3-537 or 61-3-570;

(ii) a motor home under 61-3-321;

(iii) a travel trailer under 61-3-321;

(iv) a motorcycle or quadricycle under 61-3-321;

(v) a bus, a truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor under 61-3-321 and 61-3-529; or

(vi) a trailer under 61-3-321;

(b) a donation of $1 or more if the person indicates that the person wishes to donate to promote awareness and education efforts for procurement of organ and tissue donations in Montana to favorably impact anatomical gifts;

(c) a donation of $1 or more if the person indicates that the person wishes to donate to promote education on, support for, and awareness of traumatic brain injury; and

(d) a donation of $1 or more if the person indicates that the person wishes to donate to a program supporting cancer screening.

(7) The county treasurer or an authorized agent may not issue a registration receipt or license plates for the motor vehicle, trailer, semitrailer, or pole trailer to the owner unless the owner makes the payments required by subsection (6).

(8) The department may make full and complete investigation of the registration status of the motor vehicle, trailer, semitrailer, or pole trailer. A person seeking to register a motor vehicle, trailer, semitrailer, or pole trailer under this section shall provide additional information to support the registration to the department if requested.

(9) Revenue that accrues from the voluntary donations provided for in subsection (6) must be forwarded by the respective county treasurer or an authorized agent to the department for deposit as follows:

(a) in the state special revenue fund to the credit of an account established by the department of labor and industry to support activities related to awareness and education efforts for procurement of organ and tissue donations for anatomical gifts if the revenue is from the donation provided for in subsection (6)(b);

(b) to the credit of the account established in 2-15-2218 if the revenue is from the donation provided for in subsection (6)(c); and

(c) to the credit of the special revenue account established in 33-22-2104 if the revenue is from the donation provided for in subsection (6)(d).

(10) (a) Except as provided in subsection (10)(b), the fees in lieu of tax, taxes, and fees imposed on or collected from the registration of a travel trailer, motorcycle, or quadricycle or a trailer, semitrailer, or pole trailer that has a declared weight of less than 26,000 pounds are required to be paid only

once during the time that the travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is owned by the same person who registered the travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer. When registered, a travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is registered permanently unless ownership is transferred or unless it was registered under 61-3-701.

(b) Whenever ownership of a travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is transferred, the new owner is required to register the travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer as if it were being registered for the first time, including paying all of the required fees in lieu of tax, taxes, and fees.

(11) The department, an authorized agent of the department, or a county treasurer shall use the online motor vehicle liability insurance verification system provided in 61-6-157 to verify that the vehicle owner has complied with the requirements of 61-6-301."

Section 6. Section 61-14-101, MCA, is amended to read:

"**61-14-101. Rulemaking authority -- vehicle services.** (1) The department shall adopt rules for the registration of motor vehicles, including:

(a) (i) simultaneous registration of multiple motor vehicles that have common ownership;

(ii) defining the term "fleet" as used in 61-3-318 and 61-3-323; and

(iii) the issuance of fleet series license plates provided for in 61-3-325;

(b) verification of compliance with 61-6-301 before registering or renewing a registration of a vehicle or issuing new license plates required by 61-3-332(3);

(c) devising a method to place license plates on the 5-year reissuance cycle to minimize production peaks and valleys;

(d) early registration renewals when an owner of a motor vehicle presents extenuating circumstances; and

(e) automated mailing of license plates by the department or its authorized agent, including an agent under contract with the department pursuant to 61-3-338.

(2) The department shall adopt rules to procure compliance with all of the laws of the state regulating the issuance of motor vehicle, trailer, semitrailer, or pole trailer licenses relating to the use and operation of motor vehicles, trailers, semitrailers, or pole trailers before issuing the lettered license plates pursuant to 61-3-423.

(3) The department may adopt rules to establish vehicle brands or carried-forward brands according to 61-3-202.

(4) The department may adopt rules governing affidavit and bond for certificate of title pursuant to 61-3-208 *but may not require notarization of an affidavit sworn in the manner provided for in 1-6-105*.

(5) The department may adopt rules for the implementation and administration of temporary registration permits, pursuant to 61-3-224, including issuance to:

(a) a Montana resident who acquires a new or used motor vehicle, trailer, semitrailer, pole trailer, motorboat, sailboat that is 12 feet or longer, snowmobile, or off-highway vehicle for operation of the vehicle or vessel prior to titling and registration of the vehicle or vessel under Title 61, chapter 3;

(b) the owner of a salvage vehicle or a vehicle requiring a state-assigned vehicle identification number to move the vehicle to and from a designated inspection site prior to applying for a new certificate of title under 61-3-107 or 61-3-212;

(c) the owner of a motor vehicle, trailer, semitrailer, or pole trailer registered in this state for operation of the vehicle while awaiting production

and receipt of special or duplicate license plates ordered for a vehicle under Title 61, chapter 3;

(d) a nonresident of this state who acquires a motor vehicle, trailer, semitrailer, or pole trailer in this state for operation of the vehicle prior to its titling and registration under the laws of the nonresident's jurisdiction of residence;

(e) a dealer licensed in another state who brings a motor vehicle or trailer designed and used to apply fertilizer to agricultural lands into the state for special demonstration in this state;

(f) a financial institution located in Montana for a prospective purchaser to demonstrate a motor vehicle that the financial institution has obtained following repossession;

(g) an insurer or its agent to move a motor vehicle or trailer to auction following acquisition of the vehicle by the insurer as a result of the settlement of an insurance claim;

(h) a nonresident owner to temporarily operate a quadricycle or motorcycle designed for off-road recreational use on the highways of this state when the quadricycle or motorcycle designed for off-road recreational use is equipped for use on the highways as prescribed in Title 61, chapter 9, but the quadricycle or motorcycle designated for off-road recreational use is not registered or is only registered for off-road use in the nonresident's home state; or

(i) a new owner of a motor vehicle, trailer, semitrailer, pole trailer, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for which the new owner cannot, due to circumstances beyond the new owner's control, surrender a previously assigned certification of title.

(6) The department may adopt rules for the assessment and collection of registration fees on light vehicles under 61-3-321 and 61-3-562, including the proration of fees under 61-3-520 and criteria for determining the motor vehicle's age.

(7) The department may adopt rules for imposing and collecting fees in lieu of tax, including:

(a) the proration of fees in lieu of tax under 61-3-520 on buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors;

(b) criteria for determining the motor vehicle's age; and

(c) criteria for determining the manufacturer's rated capacity.

(8) The department may adopt rules, pursuant to Title 61, chapter 3, for the administration of fees for trailers, semitrailers, and pole trailers, including criteria for determining a trailer's age and weight.

(9) The department shall adopt rules for generic specialty license plates issued pursuant to 61-3-472 through 61-3-481, including:

(a) the minimum and maximum number of characters that a generic specialty license plate may display;

(b) the general placement of the sponsor's name, identifying phrase, and graphic; and

(c) any specifications or limitations on the use or choice of color or detail in the sponsor's graphic design.

(10) The department may adopt rules governing dealers pursuant to the provisions of Title 61, chapter 4, including:

(a) the application and issuance of dealer licenses, including the qualifications of dealers, and the staggering of expiration dates pursuant to 61-4-101;

(b) the issuance of dealer, demonstrator, loaner, courtesy, and transit plates pursuant to 61-4-102, 61-4-128 through 61-4-130, 61-4-301, 61-4-307, and 61-4-308;

(c) the application and process for renewing a dealer license pursuant to 61-4-124; and

(d) governing the regulation of persons required to be licensed pursuant to Title 61, chapter 4, part 2.

(11) The department may adopt rules for local option tax appeals pursuant to 15-15-201.

(12) The department may adopt rules to implement any other provision of this title."

Approved April 7, 2025

CHAPTER NO. 89

[HB 175]

AN ACT REQUIRING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO PUBLISH AN ANNUAL PUBLIC REPORT ON HUNTING DISTRICT DATA; PROVIDING FOR THE REPORT FOR THE HUNTING OF ELK, DEER, AND ANTELOPE; AND AMENDING SECTION 87-1-201, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 87-1-201, MCA, is amended to read:

"**87-1-201. Powers and duties.** (1) Except as provided in subsection (13), the department shall supervise all the wildlife, fish, game, game and nongame birds, waterfowl, and the game and fur-bearing animals of the state and may implement voluntary programs that encourage hunting access on private lands and that promote harmonious relations between landowners and the hunting public. The department possesses all powers necessary to fulfill the duties prescribed by law and to bring actions in the proper courts of this state for the enforcement of the fish and game laws and the rules adopted by the department.

(2) Except as provided in subsection (13), the department shall enforce all the laws of the state regarding the protection, preservation, management, and propagation of fish, game, fur-bearing animals, and game and nongame birds within the state.

(3) The department has the exclusive power to spend for the protection, preservation, management, and propagation of fish, game, fur-bearing animals, and game and nongame birds all state funds collected or acquired for that purpose, whether arising from state appropriation, licenses, fines, gifts, or otherwise. Money collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, from fines or damages collected for violations of the fish and game laws, or from appropriations or received by the department from any other sources is under the control of the department and is available for appropriation to the department.

(4) The department may discharge any appointee or employee of the department for cause at any time.

(5) The department may dispose of all property owned by the state used for the protection, preservation, management, and propagation of fish, game, fur-bearing animals, and game and nongame birds that is of no further value or use to the state and shall turn over the proceeds from the sale to the state treasurer to be credited to the fish and game account in the state special revenue fund.

(6) (a) The department may not issue firearms within this state to anyone except:

(i) wardens; and

(ii) other qualified employees identified, trained, and certified by the department where necessary to perform assigned duties pursuant to subsection (7).

(b) Wardens, as authorized officers under 87-1-502, are the only department employees with the authority to enforce provisions of state law or administrative rule.

(7) (a) Department employees may be issued a firearm as allowed in subsection (6)(a)(ii) only after submitting a form of final approval as determined and approved by the department.

(b) Department-issued firearms may be carried by an employee other than a warden only when the employee is engaged in work that requires the carrying of a firearm, as determined by the department.

(c) When a department-issued firearm is no longer necessary to perform an employee's required duties, the employee shall return the issued firearm to secure storage in the regional office to which the employee is attached.

(8) Except as provided in subsection (13), the department is authorized to make, promulgate, and enforce reasonable rules and regulations not inconsistent with the provisions of Title 87, chapter 2, that in its judgment will accomplish the purpose of chapter 2.

(9) The department is authorized to promulgate rules relative to tagging, possession, or transportation of bear within or outside of the state.

(10) (a) The department shall implement programs that:

(i) manage wildlife, fish, game, and nongame animals in a manner that prevents the need for listing under 87-5-107 or under the federal Endangered Species Act, 16 U.S.C. 1531, et seq.;

(ii) manage listed species, sensitive species, or a species that is a potential candidate for listing under 87-5-107 or under the federal Endangered Species Act, 16 U.S.C. 1531, et seq., in a manner that assists in the maintenance or recovery of those species;

(iii) manage elk, deer, and antelope populations based on habitat estimates determined as provided in 87-1-322 and maintain elk, deer, and antelope population numbers at or below population estimates as provided in 87-1-323. In implementing an elk management plan, the department shall, as necessary to achieve harvest and population objectives, request that land management agencies open public lands and public roads to public access during the big game hunting season.

(iv) in accordance with the forest management plan required by 87-1-622, address fire mitigation, pine beetle infestation, and wildlife habitat enhancement giving priority to forested lands in excess of 50 contiguous acres in any state park, fishing access site, or wildlife management area under the department's jurisdiction.

(b) In maintaining or recovering a listed species, a sensitive species, or a species that is a potential candidate for listing, the department shall seek, to the fullest extent possible, to balance maintenance or recovery of those species with the social and economic impacts of species maintenance or recovery.

(c) Any management plan developed by the department pursuant to this subsection (10) is subject to the requirements of Title 75, chapter 1, part 1.

(d) This subsection (10) does not affect the ownership or possession, as authorized under law, of a privately held listed species, a sensitive species, or a species that is a potential candidate for listing.

(11) The department shall publish an annual game count, estimating to the department's best ability the numbers of each species of game animal, as defined in 87-2-101, in the hunting districts and administrative regions of the state. In preparing the publication, the department may incorporate

field observations, hunter reporting statistics, or any other suitable method of determining game numbers. The publication must include an explanation of the basis used in determining the game count.

(12) The department shall report current sage grouse population numbers, including the number of leks, to the Montana sage grouse oversight team, established in 2-15-243, and the environmental quality council in accordance with 5-11-210 on an annual basis. The report must include seasonal and historic population data available from the department or any other source.

(13) The department may not regulate the use or possession of firearms, firearm accessories, or ammunition, including the chemical elements of ammunition used for hunting. This does not prevent:

(a) the restriction of certain hunting seasons to the use of specified hunting arms, such as the establishment of special archery seasons and the special muzzleloader heritage hunting season established in 87-1-304;

(b) for human safety, the restriction of certain areas to the use of only specified hunting arms, including bows and arrows, traditional handguns, and muzzleloading rifles;

(c) the restriction of the use of shotguns for the hunting of deer and elk pursuant to 87-6-401(1)(f);

(d) the regulation of migratory game bird hunting pursuant to 87-3-403; or

(e) the restriction of the use of rifles for bird hunting pursuant to 87-6-401(1)(g) or (1)(h).

(14) The department shall publish an annual public report that shows the number of licenses sold to nonresidents in the previous license year for each species in which the purchase of a license or permit is required. The report must also show how many licenses were issued through opportunities or programs for nonresidents, such as those for the following:

(a) youths;

(b) college students;

(c) nonresidents who were former residents;

(d) nonresident licenses purchased by utilizing an outfitter preference point;

(e) sponsorships by a landowner, family member, or current Montana resident; or

(f) any other license opportunity or program for nonresidents.

(15) The department shall publish an annual public report that shows the data on each hunting district for elk, deer, and antelope by both resident and nonresident hunters. The report must be created using currently available data and must include:

(a) the estimated number of resident hunters, nonresident hunters, and total hunters who hunted in the district;

(b) the estimated number of days the district was hunted by resident hunters, nonresident hunters, and total hunters;

(c) the estimated average number of days that resident hunters, nonresident hunters, and total hunters used the district per hunter; and

(d) the species being hunted in the district."

Approved April 7, 2025

CHAPTER NO. 90

[HB 210]

AN ACT GENERALLY REVISING UNEMPLOYMENT INSURANCE PROGRAM COLLECTION RATES AND USES; CLARIFYING AND EXPANDING THE UNEMPLOYMENT INSURANCE PROGRAM INTEGRITY ACT; CREATING A LOWER TAX SCHEDULE TO THE UNEMPLOYMENT INSURANCE EMPLOYER CLASSIFICATION AND EXPERIENCE RATING RATE SCHEDULE; PERMITTING CARRYFORWARD OF PENALTY AND INTEREST MONEY ACROSS FISCAL YEARS; PROVIDING LIMITED DISCLOSURE OF THE MOTOR VEHICLE RECORD; AMENDING SECTIONS 39-51-702, 39-51-706, 39-51-1218, 39-51-3201, 39-51-3202, AND 61-11-508, MCA; REPEALING SECTION 39-51-703, MCA; AND PROVIDING EFFECTIVE DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 39-51-702, MCA, is amended to read:

"**39-51-702. Purpose.** The purpose of this part is to enhance program integrity for the state's unemployment insurance program ~~by requiring the state to utilize a government or commercially available database to verify the integrity of the state's unemployment insurance rolls, check new hire records against unemployment insurance rolls on a weekly basis, and check state, county, and local prison and jail records~~."

Section 2. Section 39-51-706, MCA, is amended to read:

"**39-51-706. Department duties ~~-- integrity data hub --~~ review of information -- reporting to legislature.** *(1)* The ~~department of labor and industry~~ *department* shall *further program integrity and claimant eligibility by*:

~~(1)~~*(a)* ~~engage with and utilize~~ *utilizing* a commercially available database to verify ~~the integrity of the state's unemployment insurance rolls~~ *the identity of applicants for benefits*;

~~(2)~~*(b)* ~~on a weekly basis, check the unemployment insurance rolls against~~ *crossmatching benefits applicants with* the department of corrections list of incarcerated individuals ~~to verify eligibility and ensure program integrity~~;

~~(3)~~*(c)* ~~on a weekly basis, check the unemployment insurance rolls against~~ *utilizing* the national directory of new hires ~~to verify eligibility~~; *and*

~~(4)~~*(d) crossmatching benefits applicants with motor vehicle records, as defined in 61-11-503 and authorized in 61-11-508.*

~~have the authority to execute a memorandum of understanding with any department, agency, or division for information required to be shared between agencies as outlined in this part;~~

~~(5) if it receives information concerning an individual receiving unemployment insurance benefits that indicates a change in circumstances that may affect eligibility, review the individual's case; and~~

~~(6)~~*(2) The department shall* report to the economic affairs interim committee in accordance with 5-11-210 relating to the administration of this part."

Section 3. Section 39-51-1218, MCA, is amended to read:

"**39-51-1218. Rate schedules.**

SCHEDULES OF CONTRIBUTION RATES - Part I

Sched.	*Sched.*	*Sched.*	*Sched.*	*Sched.*
I	~~I~~ *II*	~~II~~ *III*	~~III~~ *IV*	~~IV~~ *V*

Minimum Ratio of Fund to Total Wages	*(.0280)*	(.0260)	(.0245)	(.0225)	(.0200)
Average Tax Rate	*0.95*	1.12	1.32	1.52	1.72
Rate Class	Contribution Rates for Eligible Employers				
1	*0.00%*	0.00%	0.00%	0.02%	0.22%
2	*0.00*	0.00	0.02	0.22	0.42
3	*0.00*	0.02	0.22	0.42	0.62
4	*0.02*	0.22	0.42	0.62	0.82
5	*0.22*	0.42	0.62	0.82	1.02
6	*0.42*	0.62	0.82	1.02	1.22
7	*0.62*	0.82	1.02	1.22	1.42
8	*0.82*	1.02	1.22	1.42	1.62
9	*1.02*	1.22	1.42	1.62	1.82
10	*1.22*	1.42	1.62	1.82	2.02
Rate Class	Contribution Rates for Deficit Employers				
1	*2.72*	2.92%	3.12%	3.32%	3.52%
2	*2.92*	3.12	3.32	3.52	3.72
3	*3.12*	3.32	3.52	3.72	3.92
4	*3.32*	3.52	3.72	3.92	4.12
5	*3.52*	3.72	3.92	4.12	4.32
6	*3.72*	3.92	4.12	4.32	4.52
7	*3.92*	4.12	4.32	4.52	4.72
8	*4.12*	4.32	4.52	4.72	4.92
9	*4.32*	4.52	4.72	4.92	5.12
10	*6.12*	6.12	6.12	6.12	6.12

SCHEDULES OF CONTRIBUTION RATES - Part II

Sched.	Sched.	Sched.	Sched.	Sched.	Sched.	Sched.
~~V~~ *VI*	~~VI~~ *VII*	~~VII~~ *VIII*	~~VIII~~ *IX*	~~IX~~ *X*	~~X~~ *XI*	~~XI~~ *XII*
(.0170)	(.0135)	(.0095)	(.0075)	(.0050)	(.0025)	(....)
1.92	2.12	2.32	2.52	2.72	2.92	3.12
Contribution Rates for Eligible Employers						
0.42%	0.62%	0.82%	1.02%	1.22%	1.42%	1.62%
0.62	0.82	1.02	1.22	1.42	1.62	1.82

0.82	1.02	1.22	1.42	1.62	1.82	2.02
1.02	1.22	1.42	1.62	1.82	2.02	2.22
1.22	1.42	1.62	1.82	2.02	2.22	2.42
1.42	1.62	1.82	2.02	2.22	2.42	2.62
1.62	1.82	2.02	2.22	2.42	2.62	2.82
1.82	2.02	2.22	2.42	2.62	2.82	3.02
2.02	2.22	2.42	2.62	2.82	3.02	3.22
2.22	2.42	2.62	2.82	3.02	3.22	3.42

Contribution Rates for Deficit Employers

3.72%	3.92%	4.12%	4.32%	4.52%	4.72%	4.92%
3.92	4.12	4.32	4.52	4.72	4.92	5.12
4.12	4.32	4.52	4.72	4.92	5.12	5.32
4.32	4.52	4.72	4.92	5.12	5.32	5.52
4.52	4.72	4.92	5.12	5.32	5.52	5.72
4.72	4.92	5.12	5.32	5.52	5.72	5.92
4.92	5.12	5.32	5.52	5.72	5.92	6.12
5.12	5.32	5.52	5.72	5.92	6.12	6.12
5.32	5.52	5.72	5.92	6.12	6.12	6.12
6.12	6.12	6.12	6.12	6.12	6.12	6.12”

Section 4. Section 39-51-3201, MCA, is amended to read:

“**39-51-3201. Making false statement or representation or failing to disclose material fact in order to obtain or increase benefits -- administrative penalty and remedy.** (1) (a) A person who makes a false statement or representation knowing it to be false or who knowingly fails to disclose a material fact in order to obtain or increase any benefit or other payment under this chapter or under an employment security law of any other state or territory or the federal government, either for the individual or for any other person, is:

(i) disqualified for benefits for a period of not more than 52 weeks, beginning with the first compensable week following the date of determination by the department, with the length of time of the disqualification to be determined by the department in accordance with the severity of each case; and

(ii) required to repay to the department, pursuant to the provisions of 39-51-3206, a sum equal to the amount wrongfully received by the individual, plus a department-assessed penalty equal to 50% of the fraudulently obtained benefits. The department-assessed penalty incorporates the 15% penalty required under 42 U.S.C. 503(a).

(b) Benefits may not be used to offset the penalty due. The individual subject to this section is not required to repay any amount wrongfully obtained more than 5 years prior to the date of the department’s determination that the individual made false statements, willful nondisclosure, or misrepresentation.

(2) (a) An individual, other than a person with a bona fide disability that prevents the individual from making or filing a claim for benefits on the

individual's own behalf, who allows or authorizes another person to make or file a claim for benefits on the individual's behalf without designating that person as an authorized agent is subject to the penalties prescribed in subsection (1).

(b) The designation of a person who is not an attorney as an individual's agent must be in writing and signed by the individual. The designation must specify:

(i) the period of time covered by the designation; and

(ii) any limits on the agent's authority.

(c) Any action taken or information provided by an agent has the same effect as an action taken or information provided by the individual.

(3) Of the money collected from the penalties under subsection (1)(a), 70% must be deposited in the account provided for in 39-51-406. The remaining 30% of the collected penalties must be deposited in the unemployment insurance fund provided for in 39-51-401. Money deposited in the account provided for in 39-51-406 may be appropriated to the department to be used to detect and collect unpaid taxes and overpayments of benefits to the extent that federal grant revenues are inadequate for these purposes. ~~Money in the account provided for in 39-51-406 not appropriated for these purposes must be transferred by the department to the unemployment insurance trust fund at the end of each fiscal year.~~"

Section 5. Section 39-51-3202, MCA, is amended to read:

"**39-51-3202. Making false statement or representation or failing to disclose material fact in order to obtain or increase benefits -- criminal penalty.** (1) A person who, in order to obtain or increase for personal gain or for any other person benefits under this chapter or under an employment security law of any other state or territory or the federal government, knowingly makes a false statement or representation or knowingly fails to disclose a material fact is guilty of a crime under 45-7-203 and 45-7-210, and the department may cause criminal proceedings to be initiated against the person.

(2) A person will be required to repay to the department an amount as determined by 39-51-3201(1)(a).

(3) For purposes of this section, restitution awarded under this section must include a sum equal to the amount wrongfully received, plus the department may assess a penalty not to exceed 100% of the amount wrongfully received. All money accruing from the penalty must be deposited in the federal special revenue account. Money deposited in that account may be appropriated to the department to be used to detect and collect unpaid taxes and overpayments of benefits to the extent that federal grant revenues are inadequate for these purposes. ~~Money in the account not appropriated for these purposes must be transferred by the department to the unemployment insurance trust fund at the end of each fiscal year.~~"

Section 6. Section 61-11-508, MCA, is amended to read:

"**61-11-508. Permitted disclosure of personal information -- specific uses.** (1) On application, proof of the identity of the person requesting a record, and payment of fees required in 61-11-510, the department may disclose personal information, including highly restricted personal information, from a motor vehicle record to:

(a) the person who is the subject of the motor vehicle record; or

(b) a person who represents that the use of the information will be strictly limited to one or more of the following:

(i) a federal, state, or local government agency, including a court or a law enforcement agency, and any individual acting on behalf of the agency in carrying out its functions, including county government elections officials

verifying voter registration information and representatives of the news media for a legitimate law enforcement purpose, as determined by the department; or

(ii) a person, organization, or entity, on the express consent of the person to whom the information pertains.

(2) The department may not disclose a social security number unless:

(a) it is disclosed for the purposes of subtitle VI of Title 49 of the U.S.C.;

(b) it is disclosed to the department of public health and human services for use in administering Title IV-D of the Social Security Act;

(c) the release of the social security number is specifically authorized by law, but only the final four numbers of a social security number may be released to county government election officials verifying voter registration information; ~~or~~

(d) it is disclosed to the department of labor and industry for the purpose of unemployment insurance program integrity, pursuant to 39-51-706; or

~~(d)~~*(e)* it is disclosed to the department of revenue for use in administering and enforcing Montana's income tax laws. The department of revenue shall treat social security numbers received pursuant to this subsection (2)(d) as confidential pursuant to 15-30-2618."

Section 7. Repealer. The following section of the Montana Code Annotated is repealed:

39-51-703. Definitions.

Section 8. Effective dates. (1) Except as provided in subsection (2), [this act] is effective October 1, 2025.

(2) [Sections 4 and 5] and this section are effective on passage and approval.

Approved April 7, 2025

CHAPTER NO. 91

[HB 235]

AN ACT GENERALLY REVISING MOTOR VEHICLE LAW TO PROVIDE FOR THE VOLUNTARY CANCELLATION OR SUSPENSION OF A VEHICLE'S REGISTRATION; PROVIDING FOR THE LIABILITY AND IMPLEADER OF A PERSON USING A VEHICLE WITH A CANCELED OR SUSPENDED REGISTRATION; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTION 61-14-101, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Voluntary registration cancellation. (1) A person whose vehicle is registered in the state may cancel the registration in a manner prescribed by department rulemaking. The person shall remove the vehicle's license plates if the vehicle is in the person's possession. If the vehicle is registered to multiple adults, they must all consent to the cancellation.

(2) A vehicle with a canceled registration may not be driven on the ways of this state open to the public.

Section 2. Voluntary registration suspension. (1) A person whose vehicle is registered in the state may suspend the registration in a manner prescribed by department rulemaking. If the vehicle is registered to multiple adults, they must all consent to the suspension.

(2) A vehicle with a suspended registration may not be driven on the ways of this state open to the public.

Section 3. Responsibility and impleader of driver of vehicle with canceled or suspended registration. (1) The user of a vehicle with

a canceled or suspended registration must be liable for all tolls, fines, and damages arising from the operation of the vehicle.

(2) The owner of a vehicle with a canceled or suspended registration may implead the driver of the vehicle in any suit money arising from the operation of the vehicle.

Section 4. Section 61-14-101, MCA, is amended to read:

"**61-14-101. Rulemaking authority -- vehicle services.** (1) The department shall adopt rules for the registration of motor vehicles, including:

(a) (i) simultaneous registration of multiple motor vehicles that have common ownership;

(ii) defining the term "fleet" as used in 61-3-318 and 61-3-323; and

(iii) the issuance of fleet series license plates provided for in 61-3-325;

(b) verification of compliance with 61-6-301 before registering or renewing a registration of a vehicle or issuing new license plates required by 61-3-332(3);

(c) devising a method to place license plates on the 5-year reissuance cycle to minimize production peaks and valleys;

(d) early registration renewals when an owner of a motor vehicle presents extenuating circumstances; and

(e) automated mailing of license plates by the department or its authorized agent, including an agent under contract with the department pursuant to 61-3-338.

(2) The department shall adopt rules to procure compliance with all of the laws of the state regulating the issuance of motor vehicle, trailer, semitrailer, or pole trailer licenses relating to the use and operation of motor vehicles, trailers, semitrailers, or pole trailers before issuing the lettered license plates pursuant to 61-3-423.

(3) The department shall adopt rules for generic specialty license plates issued pursuant to 61-3-472 through 61-3-481, including:

(a) the minimum and maximum number of characters that a generic specialty license plate may display;

(b) the general placement of the sponsor's name, identifying phrase, and graphic; and

(c) any specifications or limitations on the use or choice of color or detail in the sponsor's graphic design.

(4) The department shall adopt rules for voluntary cancellation or suspension of registration pursuant to [sections 1 and 2], including rules to allow a person to end the voluntary suspension of a vehicle's registration.

~~(3)~~*(5)* The department may adopt rules to establish vehicle brands or carried-forward brands according to 61-3-202.

~~(4)~~*(6)* The department may adopt rules governing affidavit and bond for certificate of title pursuant to 61-3-208.

~~(5)~~*(7)* The department may adopt rules for the implementation and administration of temporary registration permits, pursuant to 61-3-224, including issuance to:

(a) a Montana resident who acquires a new or used motor vehicle, trailer, semitrailer, pole trailer, motorboat, sailboat that is 12 feet or longer, snowmobile, or off-highway vehicle for operation of the vehicle or vessel prior to titling and registration of the vehicle or vessel under Title 61, chapter 3;

(b) the owner of a salvage vehicle or a vehicle requiring a state-assigned vehicle identification number to move the vehicle to and from a designated inspection site prior to applying for a new certificate of title under 61-3-107 or 61-3-212;

(c) the owner of a motor vehicle, trailer, semitrailer, or pole trailer registered in this state for operation of the vehicle while awaiting production

and receipt of special or duplicate license plates ordered for a vehicle under Title 61, chapter 3;

(d) a nonresident of this state who acquires a motor vehicle, trailer, semitrailer, or pole trailer in this state for operation of the vehicle prior to its titling and registration under the laws of the nonresident's jurisdiction of residence;

(e) a dealer licensed in another state who brings a motor vehicle or trailer designed and used to apply fertilizer to agricultural lands into the state for special demonstration in this state;

(f) a financial institution located in Montana for a prospective purchaser to demonstrate a motor vehicle that the financial institution has obtained following repossession;

(g) an insurer or its agent to move a motor vehicle or trailer to auction following acquisition of the vehicle by the insurer as a result of the settlement of an insurance claim;

(h) a nonresident owner to temporarily operate a quadricycle or motorcycle designed for off-road recreational use on the highways of this state when the quadricycle or motorcycle designed for off-road recreational use is equipped for use on the highways as prescribed in Title 61, chapter 9, but the quadricycle or motorcycle designated for off-road recreational use is not registered or is only registered for off-road use in the nonresident's home state; or

(i) a new owner of a motor vehicle, trailer, semitrailer, pole trailer, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for which the new owner cannot, due to circumstances beyond the new owner's control, surrender a previously assigned certification of title.

~~(6)~~*(8)* The department may adopt rules for the assessment and collection of registration fees on light vehicles under 61-3-321 and 61-3-562, including the proration of fees under 61-3-520 and criteria for determining the motor vehicle's age.

~~(7)~~*(9)* The department may adopt rules for imposing and collecting fees in lieu of tax, including:

(a) the proration of fees in lieu of tax under 61-3-520 on buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors;

(b) criteria for determining the motor vehicle's age; and

(c) criteria for determining the manufacturer's rated capacity.

~~(8)~~*(10)* The department may adopt rules, pursuant to Title 61, chapter 3, for the administration of fees for trailers, semitrailers, and pole trailers, including criteria for determining a trailer's age and weight.

~~(9) The department shall adopt rules for generic specialty license plates issued pursuant to 61-3-472 through 61-3-481, including:~~

~~(a) the minimum and maximum number of characters that a generic specialty license plate may display;~~

~~(b) the general placement of the sponsor's name, identifying phrase, and graphic; and~~

~~(c) any specifications or limitations on the use or choice of color or detail in the sponsor's graphic design.~~

~~(10)~~*(11)* The department may adopt rules governing dealers pursuant to the provisions of Title 61, chapter 4, including:

(a) the application and issuance of dealer licenses, including the qualifications of dealers, and the staggering of expiration dates pursuant to 61-4-101;

(b) the issuance of dealer, demonstrator, loaner, courtesy, and transit plates pursuant to 61-4-102, 61-4-128 through 61-4-130, 61-4-301, 61-4-307, and 61-4-308;

(c) the application and process for renewing a dealer license pursuant to 61-4-124; and

(d) governing the regulation of persons required to be licensed pursuant to Title 61, chapter 4, part 2.

~~(11)~~*(12)* The department may adopt rules for local option tax appeals pursuant to 15-15-201.

~~(12)~~*(13)* The department may adopt rules to implement any other provision of this title."

Section 5. Codification instruction. (1) [Sections 1 and 2] are intended to be codified as an integral part of Title 61, chapter 3, part 3, and the provisions of Title 61, chapter 3, part 3, apply to [sections 1 and 2].

(2) [Section 3] is intended to be codified as an integral part of Title 61, chapter 6, and the provisions of Title 61, chapter 6, apply to [section 3].

Approved April 7, 2025

CHAPTER NO. 92

[HB 3]

AN ACT APPROPRIATING MONEY TO VARIOUS STATE AGENCIES FOR THE FISCAL YEAR ENDING JUNE 30, 2025; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Time limits. The appropriations contained in [section 2] are intended to provide necessary and ordinary expenditures for the fiscal year ending June 30, 2025. The unspent balance of any appropriation must revert to the appropriate fund.

Section 2. Appropriations -- authorization to expend money. The following money is appropriated, subject to the terms and conditions of [section 1]:

Agency and Program	Amount	Fund
Department of Public Health and Human Services Division		
Health Facilities Division	$27,200,000	General Fund
Department of Justice		
Montana Highway Patrol	$4,067,348	General Fund
Legal Services Division	$4,167,744	General Fund
Office of State Public Defender		
Conflict Division	$12,500,000	General Fund
Department of Corrections		
Public Safety Division	$21,801,470	General Fund
Rehabilitation & Programs Division	$380,000	General Fund
Office of Public Instruction		
State Level Activities	$617,000	General Fund
Distribution to Public Schools	$26,655	General Fund
State Auditor's Office		
Insurance Division	$3,870,205	State Special
Department of Fish, Wildlife, & Parks		
Wildlife Division	$950,000	State Special
Administration Division	$500,000	State Special

Section 3. Effective date. [This act] is effective on passage and approval.

Approved April 7, 2025

CHAPTER NO. 93

[HB 16]

AN ACT REVISING THE INFRASTRUCTURE LOAN PROGRAM AND INFRASTRUCTURE USE FEE TAX CREDIT; REMOVING ELIGIBILITY FOR INCREASING WAGES OR INCOMES OF EXISTING EMPLOYEES AND EMPLOYERS; PROHIBITING THE INFRASTRUCTURE USE FEE FROM BEING CLAIMED AS A TAX CREDIT AND A DEDUCTION; AMENDING SECTIONS 17-6-309, 17-6-311, AND 17-6-316, MCA; AND PROVIDING AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 17-6-309, MCA, is amended to read:

"**17-6-309. Investment preferences.** (1) Subject to the provisions of subsection (2), in deciding which of several investments of equal or comparable security and return are to be made when sufficient funds are not available to fund all possible investments, the board shall give preference to the business investments that:

(a) assist employee-owned enterprises in providing new jobs or in preserving existing jobs for Montana residents or in otherwise contributing to the long-term benefit of the Montana economy, including raising the per capita income of Montana jobholders;

(b) are for locally owned enterprises that are either expanding or establishing new operations;

(c) provide jobs that will be substantially filled by current Montana residents as opposed to providing jobs that will be filled by nonresidents coming into the state to fill the jobs;

(d) maintain and improve a clean and healthful environment, with emphasis on energy efficiency;

(e) encourage or benefit the processing, refining, marketing, and innovative use and promotion of Montana's agricultural products; or

(f) benefit small- and medium-sized businesses as defined in rules adopted by the board.

(2) The board may make a loan to enhance economic development and create jobs in the basic sector of the economy, as defined by the board by rule, if the loan will result in the creation of a business estimated to employ at least 15 people in Montana on a permanent, full-time basis or result in the expansion of a business estimated to employ at least an additional 15 people in Montana on a permanent, full-time basis ~~or raise salaries, wages, and business incomes of existing employees and employers~~.

(3) The board may make a working capital loan to an owner of a coal-fired generating unit if the loan will prevent the elimination of jobs and provide stability in a community impacted by the operation of a coal-fired generating unit."

Section 2. Section 17-6-311, MCA, is amended to read:

"**17-6-311. Limitation on size of investments.** (1) Except as provided in subsection (2) and this subsection, an investment may not be made that will result in any one business enterprise or person receiving a benefit from or incurring a debt to the permanent coal tax trust fund the total current accumulated amount of which exceeds 10% of the permanent coal tax trust fund. If an investment results in any one business enterprise or person incurring a debt in excess of 6% of the permanent coal tax trust fund, at least 30% of the debt incurred for the project or enterprise for the coal tax investment that

was made to the business enterprise or person must be held by a commercial lender. This subsection does not:

(a) apply to a loan made pursuant to 17-6-317; or

(b) limit the board's authority to make loans to the capital reserve account as provided in 17-6-308(2).

(2) The total amount of loans made pursuant to 17-6-309(2) may not exceed $80 million, the total amount of loans made pursuant to 17-6-317 may not exceed $70 million, and a single loan may not be less than $250,000. Except for a loan made pursuant to 17-6-317, a loan may not exceed $16,666 for each job that is estimated to be created. In determining the size of a loan made pursuant to 17-6-309(2), the board shall consider:

(a) the estimated number of jobs to be created by the project within a 4-year period from the time that the loan is made and the impact of the jobs on the state and the community where the project will be located;

(b) the long-term effect of corporate and personal income taxes estimated to be paid by the business and its employees;

(c) the current and projected ability of the community to provide necessary infrastructure for economic and community development purposes; *and*

~~(d) the amount of increased salaries, wages, and business incomes of existing jobholders and businesses; and~~

~~(e)~~*(d)* other matters that the board considers necessary.

(3) The total amount of loans made annually pursuant to 17-6-309(3) may not exceed $50 million. In determining the size of a loan, the board shall consider:

(a) the direct and indirect tax implications to the state if a coal-fired generating unit is retired prematurely;

(b) the current and projected ability of an owner to operate and maintain a coal-fired generating unit; and

(c) other matters that the board considers necessary."

Section 3. Section 17-6-316, MCA, is amended to read:

"**17-6-316. Economic development loan -- infrastructure tax credit.** (1) A loan made pursuant to 17-6-309(2) must be used to build infrastructure~~, as provided for in~~ *authorized under* 7-15-4288(4)~~, such as water systems, sewer systems, water treatment facilities, sewage treatment facilities, and roads,~~ that allows the location or creation of a business in Montana. The loan must be made to a local government or an Indian tribal government that will create the necessary infrastructure. The infrastructure may serve as collateral for the loan. The local government or Indian tribal government receiving the loan may charge fees to the users of the infrastructure. A loan repayment agreement must provide for repayment of the loan from the entity authorized to charge fees for the use of the services of the infrastructure. Loans made pursuant to 17-6-309(2) qualify for the job credit interest rate reductions under 17-6-318 if the interest rate reduction passes through to the business creating the jobs.

(2) A loan pursuant to 17-6-309(2) and this section may not be made until the board is satisfied that the condition in 17-6-309(2) will be met. If the condition contained in 17-6-309(2) is not met, any credits received pursuant to subsection (3) of this section must be returned to the state.

(3) A business that is created or expanded as the result of a loan made pursuant to 17-6-309(2) and subsection (1) of this section is entitled to a credit against taxes due under Title 15, chapter 30 or 31, for the portion of the fees attributable to the use of the infrastructure. The total amount of tax credit claimed may not exceed the amount of the loan. The credit may be carried forward for 7 tax years or carried back for 3 tax years.

(4) The credit allowed under this section may not be claimed by a taxpayer if the taxpayer has included the infrastructure use fee as a deduction in computing the tax imposed under Title 15, chapter 30 or 31."

Section 4. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 5. Applicability. [This act] applies to infrastructure loans made on or after [the effective date of this act] and tax credits claimed after December 31, 2025.

Approved April 7, 2025

CHAPTER NO. 94

[HB 18]

AN ACT PROVIDING FOR THE DEPOSIT OF REVENUE ASSOCIATED WITH SCHOOL EQUALIZATION LEVIES IN THE SCHOOL EQUALIZATION AND PROPERTY TAX REDUCTION ACCOUNT; AMENDING SECTIONS 15-39-110, 17-3-222, 20-9-331, 20-9-332, AND 20-9-333, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-39-110, MCA, is amended to read:

"**15-39-110. Distribution of taxes.** (1)~~(a)~~ For each semiannual period, the department shall determine the amount of tax, late payment interest, and penalties collected under this part from bentonite mines ~~that produced bentonite before January 1, 2005~~. The tax is distributed as *follows:* ~~provided in subsections (2) through (9).~~

~~(b) For each semiannual period, the department shall determine the amount of tax, late payment interest, and penalties collected under this part from bentonite mines that first began producing bentonite after December 31, 2004. The tax is distributed as provided in subsection (10).~~

~~(2) The percentage of the tax determined under subsection (1)(a) and specified in subsections (3) through (9) is allocated according to the following schedule:~~

~~(a) 2.33% to the state special revenue fund to be appropriated to the Montana university system for the purposes of the state tax levy as provided in 15-10-109;~~

~~(b) 18.14% to the state general fund to be appropriated for the purposes of the tax levies as provided in 20-9-331, 20-9-333, and 20-9-360;~~

~~(c) 3.35% to Carbon County to be distributed in proportion to current fiscal year mill levies in the taxing jurisdictions in which production occurs, except a distribution may not be made for county and state levies under 15-10-109, 20-9-331, 20-9-333, and 20-9-360; and~~

~~(d) 76.18% to Carter County to be distributed in proportion to current fiscal year mill levies in the taxing jurisdictions in which production occurs, except a distribution may not be made for county and state levies under 15-10-109, 20-9-331, 20-9-333, and 20-9-360~~

~~(3) For the production of bentonite occurring after December 31, 2008, and before January 1, 2010, 60% of the tax determined under subsection (1)(a) must be distributed as provided in subsection (2) and 40% must be distributed as provided in subsection (10).~~

~~(4) For the production of bentonite occurring after December 31, 2009, and before January 1, 2011, 50% of the tax determined under subsection (1)(a)~~

~~must be distributed as provided in subsection (2) and 50% must be distributed as provided in subsection (10).~~

~~(5) For the production of bentonite occurring after December 31, 2010, and before January 1, 2012, 40% of the tax determined under subsection (1)(a) must be distributed as provided in subsection (2) and 60% must be distributed as provided in subsection (10).~~

~~(6) For the production of bentonite occurring after December 31, 2011, and before January 1, 2013, 30% of the tax determined under subsection (1)(a) must be distributed as provided in subsection (2) and 70% must be distributed as provided in subsection (10).~~

~~(7) For the production of bentonite occurring after December 31, 2012, and before January 1, 2014, 20% of the tax determined under subsection (1)(a) must be distributed as provided in subsection (2) and 80% must be distributed as provided in subsection (10).~~

~~(8) For the production of bentonite occurring after December 31, 2013, and before January 1, 2015, 10% of the tax determined under subsection (1)(a) must be distributed as provided in subsection (2) and 90% must be distributed as provided in subsection (10).~~

~~(9) For the production of bentonite occurring in tax years beginning after December 31, 2014, 100% of the tax determined under subsection (1)(a) must be distributed as provided in subsection (10).~~

~~(10) For the production of bentonite, 100% of the tax determined under subsection (1)(b) and the distribution percentages determined under subsections (3) through (9) are allocated according to the following schedule:~~

(a) 1.30% to the state special revenue fund to be appropriated to the Montana university system for the purposes of the state tax levy as provided in 15-10-109;

(b) 20.75% to the ~~state general fund~~ *school equalization and property tax reduction account established in 20-9-336* to be appropriated for the purposes of the tax levies as provided in 20-9-331, 20-9-333, and 20-9-360; *and*

(c) 77.95% to the county in which production occurred to be distributed in proportion to current fiscal year mill levies in the taxing jurisdictions in which production occurs, except a distribution may not be made for county and state levies under 15-10-109, 20-9-331, 20-9-333, and 20-9-360.

~~(11)~~*(2)* Except as provided ~~by~~ *in* subsection ~~(14)~~ *(5)*, the department shall remit the amounts to be distributed in this section to the county treasurer by the following dates:

(a) On or before October 1 of each year, the department shall remit the county's share of bentonite production tax payments received for the semiannual period ending June 30 of the current year to the county treasurer.

(b) On or before April 1 of each year, the department shall remit the county's share of bentonite production tax payments received to the county treasurer for the semiannual period ending December 31 of the previous year.

~~(12)~~*(3)* (a) The department shall also provide to each county the amount of gross yield of value from bentonite, including royalties, for the previous calendar year. Thirty-three and one-third percent of the gross yield of value must be treated as taxable value for determining school district debt limits under 20-9-406.

(b) The percentage amount of the gross yield of value determined under subsection ~~(12)(a)~~ *(3)(a)* must be treated as assessed value under 15-8-111 for the purposes of local government debt limits and other bonding provisions as provided by law.

~~(13)~~*(4)* The bentonite tax proceeds are statutorily appropriated, as provided in 17-7-502, to the department for distribution as provided in this section.

~~(14)~~*(5)* A payment required pursuant to this section may be withheld if, for more than 90 days, a local government fails to:

(a) file a financial report required by 15-1-504;

(b) remit any amounts collected on behalf of the state as required by 15-1-504; or

(c) remit any other amounts owed to the state or another taxing jurisdiction."

Section 2. Section 17-3-222, MCA, is amended to read:

"**17-3-222. Apportionment of money to counties.** (1) The state treasurer shall apportion the money received under 17-3-221 to the appropriate counties and then allocate the money due each county as follows:

(a) 50% to the county treasurer for deposit in the county general fund; and

(b) 50% to the ~~state general fund~~ *school equalization and property tax reduction account established in 20-9-336* to be used for the elementary BASE funding programs of the school districts in the county.

(2) The payments from the state to the county treasurers provided for in subsection (1) are statutorily appropriated as provided in 17-7-502."

Section 3. Section 20-9-331, MCA, is amended to read:

"**20-9-331. Basic county tax for elementary equalization and other revenue for county equalization of elementary BASE funding program.** (1) Subject to 15-10-420, the county commissioners of each county shall levy an annual basic county tax of 33 mills on the dollar of the taxable value of all taxable property within the county, except for property subject to a tax or fee under 61-3-321(2) or (3), 61-3-529, 61-3-537, 61-3-562, 61-3-570, and 67-3-204, for the purposes of elementary equalization and state BASE funding program support. The revenue collected from this levy must be apportioned to the support of the elementary BASE funding programs of the school districts in the county and to the school equalization and property tax reduction account established in 20-9-336 in the following manner:

(a) In order to determine the amount of revenue raised by this levy that is retained by the county, the sum of the estimated revenue identified in subsection (2) must be subtracted from the total of the BASE funding programs of all elementary districts of the county.

(b) If the basic levy and other revenue prescribed by this section produce more revenue than is required to repay a state advance for county equalization, the county treasurer shall remit the surplus funds to the department of revenue, as provided in 15-1-504, for deposit to the ~~state general fund~~ *school equalization and property tax reduction account established in 20-9-336* immediately ~~upon~~ *on* occurrence of a surplus balance and each subsequent month, with any final remittance due no later than June 20 of the fiscal year for which the levy has been set.

(2) *(a)* The revenue realized from the county's portion of the levy prescribed by this section and the revenue from the following sources must be *deposited in the school equalization and property tax reduction account established in 20-9-336 and be* used for the equalization of the elementary BASE funding program of the county as prescribed in 20-9-335~~, and a separate accounting must be kept of the revenue by the county treasurer in accordance with 20-9-212(1)~~:

~~(a)~~*(i)* the portion of the federal Taylor Grazing Act funds designated for the elementary county equalization fund under the provisions of 17-3-222;

~~(b)~~*(ii)* the portion of the federal flood control act funds distributed to a county and designated for expenditure for the benefit of the county common schools under the provisions of 17-3-232;

~~(c)~~*(iii)* all money paid into the county treasury as a result of fines for violations of law *under the provisions of 20-9-332,* except money paid to a justice's court, and the use of which is not otherwise specified by law;

~~(d)~~*(iv)* any money remaining at the end of the immediately preceding school fiscal year in the county treasurer's accounts for the various sources of revenue established or referred to in this section;

~~(e)~~*(v)* any federal or state money distributed to the county as payment in lieu of property taxation, including federal forest reserve funds allocated under the provisions of 17-3-213; *and*

~~(f)~~*(vi)* gross proceeds taxes from coal under 15-23-703~~; and~~

~~(g) oil and natural gas production taxes~~.

(b) In accordance with 20-9-212(1), the county treasurer shall keep a separate accounting of the revenue provided for in subsection (2)(a)."

Section 4. Section 20-9-332, MCA, is amended to read:

"**20-9-332. Fines and penalties proceeds for elementary county equalization.** All fines and penalties collected under the provisions of this title, except those collected by a justice's court, must be paid into the elementary county equalization fund as provided by 20-9-331~~(2)(c)~~*(2)(a)(iii).* In order to implement this section and any other provision of law requiring the deposit of fines in the elementary county equalization fund, a report must be made to the county superintendent of the county, at the close of each term, by the clerk of each district court, reporting all fines imposed and collected during the term and indicating the type of violation and the date of collection."

Section 5. Section 20-9-333, MCA, is amended to read:

"**20-9-333. Basic county tax for high school equalization and other revenue for county equalization of high school BASE funding program.** (1) Subject to 15-10-420, the county commissioners of each county shall levy an annual basic county tax of 22 mills on the dollar of the taxable value of all taxable property within the county, except for property subject to a tax or fee under 61-3-321(2) or (3), 61-3-529, 61-3-537, 61-3-562, 61-3-570, and 67-3-204, for the purposes of high school equalization and state BASE funding program support. The revenue collected from this levy must be apportioned to the support of the BASE funding programs of high school districts in the county and to the school equalization and property tax reduction account established in 20-9-336 in the following manner:

(a) In order to determine the amount of revenue raised by this levy that is retained by the county, the sum of the estimated revenue identified in subsection (2) must be subtracted from ~~the sum of the county's high school tuition obligation and~~ the total of the BASE funding programs of all high school districts of the county.

(b) If the basic levy and other revenue prescribed by this section produce more revenue than is required to repay a state advance for county equalization, the county treasurer shall remit the surplus funds to the department of revenue, as provided in 15-1-504, for deposit to the ~~state general fund~~ *school equalization and property tax reduction account established in 20-9-336* immediately ~~upon~~ *on* occurrence of a surplus balance and each subsequent month, with any final remittance due no later than June 20 of the fiscal year for which the levy has been set.

(2) *(a)* The revenue realized from the county's portion of the levy prescribed in this section and the revenue from the following sources must be *deposited in the school equalization and property tax reduction account established in 20-9-336 and be* used for the equalization of the high school BASE funding program of the county as prescribed in 20-9-335~~, and a separate accounting~~

~~must be kept of the revenue by the county treasurer in accordance with 20-9-212(1)~~:

~~(a)~~*(i)* any money remaining at the end of the immediately preceding school fiscal year in the county treasurer's accounts for the various sources of revenue established in this section;

~~(b)~~*(ii)* any federal or state money distributed to the county as payment in lieu of property taxation, including federal forest reserve funds allocated under the provisions of 17-3-213; *and*

~~(c)~~*(iii)* gross proceeds taxes from coal under 15-23-703~~; and~~

~~(d) oil and natural gas production taxes~~.

(b) In accordance with 20-9-212(1), the county treasurer shall keep a separate accounting of the revenue provided for in subsection (2)(a)."

Section 6. Effective date. [This act] is effective July 1, 2025.

Approved April 7, 2025

CHAPTER NO. 95

[HB 20]

AN ACT REQUIRING VOTED LEVIES TO BE STATED IN DOLLARS RATHER THAN MILLS; ALLOWING VOTED LEVIES OTHER THAN SCHOOL DISTRICT LEVIES TO BE SUBJECT TO THE CALCULATION PROVISIONS OF 15-10-420; AMENDING SECTIONS 15-10-420 AND 15-10-425, MCA; AND REPEALING SECTION 7-6-4431, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-10-420, MCA, is amended to read:

"**15-10-420. Procedure for calculating levy.** (1) (a) Subject to the provisions of *15-10-425(2)(b) and* this section, a governmental entity that is authorized to impose mills may impose a mill levy sufficient to generate the amount of property taxes actually assessed in the prior year plus one-half of the average rate of inflation for the prior 3 years. The maximum number of mills that a governmental entity may impose is established by calculating the number of mills required to generate the amount of property tax actually assessed in the governmental unit in the prior year based on the current year taxable value, less the current year's newly taxable value, plus one-half of the average rate of inflation for the prior 3 years.

(b) A governmental entity that does not impose the maximum number of mills authorized under subsection (1)(a) may carry forward the authority to impose the number of mills equal to the difference between the actual number of mills imposed and the maximum number of mills authorized to be imposed. The mill authority carried forward may be imposed in a subsequent tax year.

(c) For the purposes of subsection (1)(a), the department shall calculate one-half of the average rate of inflation for the prior 3 years by using the consumer price index, U.S. city average, all urban consumers, using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of labor.

(2) A governmental entity may apply the levy calculated pursuant to subsection (1)(a) plus any additional levies authorized by the voters, as provided in 15-10-425, to all property in the governmental unit, including newly taxable property.

(3) (a) For *the* purposes of this section, newly taxable property includes:

(i) annexation of real property and improvements into a taxing unit;

(ii) construction, expansion, or remodeling of improvements;

(iii) transfer of property into a taxing unit;

(iv) subdivision of real property; and

(v) transfer of property from tax-exempt to taxable status.

(b) Newly taxable property does not include an increase in value that arises because of an increase in the incremental value within a tax increment financing district.

(4) (a) For the purposes of subsection (1), the taxable value of newly taxable property includes the release of taxable value from the incremental taxable value of a tax increment financing district because of:

(i) a change in the boundary of a tax increment financing district;

(ii) an increase in the base value of the tax increment financing district pursuant to 7-15-4287; or

(iii) the termination of a tax increment financing district.

(b) If a tax increment financing district terminates prior to the certification of taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the year in which the tax increment financing district terminates. If a tax increment financing district terminates after the certification of taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the following tax year.

(c) For the ~~purpose~~ *purposes* of subsection (3)(a)(ii), the value of newly taxable class four property that was constructed, expanded, or remodeled property since the completion of the last reappraisal cycle is the current year market value of that property less the previous year market value of that property.

(d) For the ~~purpose~~ *purposes* of subsection (3)(a)(iv), the subdivision of real property includes the first sale of real property that results in the property being taxable as class four property under 15-6-134 or as nonqualified agricultural land as described in 15-6-133(1)(c).

(5) Subject to subsection (8), subsection (1)(a) does not apply to:

(a) school district levies established in Title 20; or

(b) a mill levy imposed for a newly created regional resource authority.

(6) For *the* purposes of subsection (1)(a), taxes imposed do not include net or gross proceeds taxes received under 15-6-131 and 15-6-132.

(7) In determining the maximum number of mills in subsection (1)(a), the governmental entity:

(a) may increase the number of mills to account for a decrease in reimbursements; and

(b) may not increase the number of mills to account for a loss of tax base because of legislative action that is reimbursed under the provisions of 15-1-121(7).

(8) The department shall calculate, on a statewide basis, the number of mills to be imposed for *the* purposes of 15-10-109, 20-9-331, 20-9-333, 20-9-360, and 20-25-439. However, the number of mills calculated by the department may not exceed the mill levy limits established in those sections. The mill calculation must be established in tenths of mills. If the mill levy calculation does not result in an even tenth of a mill, then the calculation must be rounded up to the nearest tenth of a mill.

(9) (a) The provisions of subsection (1) do not prevent or restrict:

(i) a judgment levy under 2-9-316, 7-6-4015, or 7-7-2202;

(ii) a levy to repay taxes paid under protest as provided in 15-1-402;

(iii) an emergency levy authorized under 10-3-405, 20-9-168, or 20-15-326;

(iv) a levy for the support of a study commission under 7-3-184;

(v) a levy for the support of a newly established regional resource authority;

(vi) the portion that is the amount in excess of the base contribution of a governmental entity's property tax levy for contributions for group benefits excluded under 2-9-212 or 2-18-703;

(vii) a levy for reimbursing a county for costs incurred in transferring property records to an adjoining county under 7-2-2807 upon relocation of a county boundary;

(viii) a levy used to fund the sheriffs' retirement system under 19-7-404(3)(b); or

(ix) a governmental entity from levying mills for the support of an airport authority in existence prior to May 7, 2019, regardless of the amount of the levy imposed for the support of the airport authority in the past. The levy under this subsection (9)(a)(ix) is limited to the amount in the resolution creating the authority.

(b) A levy authorized under subsection (9)(a) may not be included in the amount of property taxes actually assessed in a subsequent year.

(10) A governmental entity may levy mills for the support of airports as authorized in 67-10-402, 67-11-301, or 67-11-302 even though the governmental entity has not imposed a levy for the airport or the airport authority in either of the previous 2 years and the airport or airport authority has not been appropriated operating funds by a county or municipality during that time.

(11) The department may adopt rules to implement this section. The rules may include a method for calculating the percentage of change in valuation for *the* purposes of determining the elimination of property, new improvements, or newly taxable value in a governmental unit."

Section 2. Section 15-10-425, MCA, is amended to read:

"**15-10-425. Mill levy election.** (1) A county, consolidated government, incorporated city, incorporated town, school district, or other taxing entity may impose a new mill levy, increase a mill levy that is required to be submitted to the electors, or exceed the mill levy limit provided for in 15-10-420 by conducting an election as provided in this section.

(2) An election pursuant to this section must be held in accordance with Title 13, chapter 1, part 4 or 5, or Title 20 for school elections, whichever is appropriate to the taxing entity. The governing body shall pass a resolution, shall amend its self-governing charter, or must receive a petition indicating an intent to impose a new levy, increase a mill levy, or exceed the current statutory mill levy provided for in 15-10-420 on the approval of a majority of the qualified electors voting in the election.

(a) The resolution, charter amendment, or petition must include:

~~(a)~~*(i)* the specific purpose for which the additional money will be used;

~~(b) either:~~

~~(i)~~*(ii)* the specific amount of money to be raised and the approximate number of mills to be imposed; ~~or~~ *and*

~~(ii) the specific number of mills to be imposed and the approximate amount of money to be raised; and~~

~~(c)~~*(iii)* whether the levy is permanent or the durational limit on the levy.

(b) Except for a school district levy established in Title 20, the resolution, charter amendment, or petition may provide that the mill levy is subject to the provisions of 15-10-420(1)(a).

(3) Notice of the election must be prepared by the governing body and given as provided in 13-1-108. The form of the ballot must reflect the content of the resolution or charter amendment and must include:

(a) the statement that "an increase in property taxes may lead to an increase in rental costs"; and

(b) a statement of the impact of the election on homes valued at $100,000, $300,000, and $600,000 in the district in terms of actual dollars in additional property taxes that would be imposed on residences with those values if the mill levy were to pass. The ballot may also include a statement of the impact of the election on homes of any other value in the district, if appropriate.

(4) If the majority *of voters* voting on the question are in favor of the additional levy, the governing body is authorized to impose the levy in ~~either~~ the amount ~~or the number of mills~~ specified in the resolution or charter amendment.

(5) A governing body, as defined in 7-6-4002, may reduce an approved levy in any fiscal year without losing the authority to impose in a subsequent fiscal year up to the maximum amount ~~or number of mills~~ approved in the election. However, nothing in this subsection authorizes a governing body to impose more than the approved levy in any fiscal year or to extend the duration of the approved levy."

Section 3. Repealer. The following section of the Montana Code Annotated is repealed:

7-6-4431. Authorization to exceed or impose less than maximum mill levy -- election required to exceed.

Approved April 7, 2025

CHAPTER NO. 96

[HB 24]

AN ACT REVISING EDUCATION LAWS TO CLARIFY PROVISIONS RELATED TO KINDERGARTEN AND SPECIFIC TYPES OF ENROLLMENT INCREASES; AMENDING SECTIONS 20-1-301, 20-3-205, 20-3-326, 20-7-117, 20-9-311, AND 20-9-313, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 20-1-301, MCA, is amended to read:

"**20-1-301. School fiscal year.** (1) The school fiscal year begins on July 1 and ends on June 30. At least the minimum aggregate hours required in subsection (2) must be conducted during each school fiscal year, except that 1,050 aggregate hours of pupil instruction for graduating seniors may be sufficient. The minimum aggregate hours required in subsection (2) are not required for any pupil demonstrating proficiency pursuant to 20-9-311(4)(d).

(2) The minimum aggregate hours required by grade are:

(a) 360 hours for ~~a~~ half-time kindergarten ~~program~~ or 720 hours for ~~a~~ full-time kindergarten ~~program~~, as provided in 20-7-117;

(b) 720 hours for grades 1 through 3; and

(c) 1,080 hours for grades 4 through 12.

(3) Except for a circumstance related to an unforeseen emergency pursuant to Title 20, chapter 9, part 8, for any elementary or high school district that fails to provide for at least the minimum aggregate hours, as listed in subsections (1) and (2), to any pupil not demonstrating proficiency pursuant to 20-9-311(4)(d), the superintendent of public instruction shall reduce the BASE aid for the district for that school year by two times an hourly rate, as calculated by the office of public instruction, for the aggregate hours missed by each pupil not demonstrating proficiency pursuant to 20-9-311(4)(d)."

Section 2. Section 20-3-205, MCA, is amended to read:

"**20-3-205. Powers and duties.** (1) The county superintendent has general supervision of the schools of the county within the limitations prescribed by this title and shall perform the following duties or acts:

(a) determine, establish, and reestablish trustee nominating districts in accordance with the provisions of 20-3-352, 20-3-353, and 20-3-354;

(b) administer and file the oaths of members of the boards of trustees of the districts in the county in accordance with the provisions of 20-3-307;

(c) register the teacher or specialist certificates or emergency authorization of employment of any person employed in the county as a teacher, specialist, principal, or district superintendent in accordance with the provisions of 20-4-202;

(d) file a copy of the audit report for a district in accordance with the provisions of 20-9-203;

(e) classify districts in accordance with the provisions of 20-6-201 and 20-6-301;

(f) keep a transcript of the district boundaries of the county;

(g) fulfill all responsibilities assigned under the provisions of this title regulating the organization, alteration, or abandonment of districts;

(h) act on any unification proposition and, if approved, establish additional trustee nominating districts in accordance with 20-6-312 and 20-6-313;

(i) estimate the ~~average number belonging (ANB)~~ *ANB* of an opening school in accordance with the provisions of 20-6-502, 20-6-503, 20-6-504, or 20-6-506;

(j) process and, when required, act on school isolation applications in accordance with the provisions of 20-9-302;

(k) complete the budgets, compute the budgeted revenue and tax levies, file final budgets and budget amendments, and fulfill other responsibilities assigned under the provisions of this title;

(l) monthly, unless otherwise provided by law, order the county treasurer to apportion state money, county school money, and any other school money subject to apportionment in accordance with the provisions of 20-9-212, 20-9-347, 20-10-145, or 20-10-146;

(m) ~~act on any request to transfer~~ *estimate increases in* ~~average number belonging (ANB)~~ *ANB* in accordance with the provisions of 20-9-313~~(1)(c)~~;

(n) calculate the estimated budgeted general fund sources of revenue in accordance with the general fund revenue provisions of the general fund part of this title;

(o) compute the revenue and compute the district and county levy requirements for each fund included in each district's final budget and report the computations to the board of county commissioners in accordance with the provisions of the general fund, transportation, bonds, and other school funds parts of this title;

(p) file and forward bus driver certifications, transportation contracts, and state transportation reimbursement claims in accordance with the provisions of 20-10-103, 20-10-143, or 20-10-145;

(q) for districts that do not employ a district superintendent or principal, recommend library book and textbook selections in accordance with the provisions of 20-7-204 or 20-7-602;

(r) notify the superintendent of public instruction of a textbook dealer's activities when required under the provisions of 20-7-605 and otherwise comply with the textbook dealer provisions of this title;

(s) act on district requests to allocate federal money for indigent children for school food services in accordance with the provisions of 20-10-205;

(t) perform any other duty prescribed from time to time by this title, any other act of the legislature, the policies of the board of public education, the policies of the board of regents relating to community college districts, or the rules of the superintendent of public instruction;

(u) administer the oath of office to trustees without the receipt of pay for administering the oath;

(v) keep a record of official acts, preserve all reports submitted to the superintendent under the provisions of this title, preserve all books and instructional equipment or supplies, keep all documents applicable to the administration of the office, and surrender all records, books, supplies, and equipment to the next superintendent;

(w) within 90 days after the close of the school fiscal year, publish an annual report in the county newspaper stating the following financial information for the school fiscal year just ended for each district of the county:

(i) the total of the cash balances of all funds maintained by the district at the beginning of the year;

(ii) the total receipts that were realized in each fund maintained by the district;

(iii) the total expenditures that were made from each fund maintained by the district; and

(iv) the total of the cash balances of all funds maintained by the district at the end of the school fiscal year; and

(x) hold meetings for the members of the trustees from time to time at which matters for the good of the districts must be discussed.

(2) (a) When a district in one county annexes a district in another county, the county superintendent of the county where the annexing district is located shall perform the duties required by this section.

(b) When two or more districts in more than one county consolidate, the duties required by this section must be performed by the county superintendent designated in the same manner as other county officials in 20-9-202."

Section 3. Section 20-3-326, MCA, is amended to read:

"**20-3-326. Information on educational opportunities -- duties of trustees.** (1) The board of trustees of a school district shall develop, update, and annually provide to students and families of the district information on the educational opportunities available through the schools of the district. The information must align to the legislative intent of preserving and protecting the right to access personalized learning as set forth in 20-7-1601 and must be designed to empower families in understanding the options available to them in partnering with schools to develop their child's full educational potential. A school board may satisfy its obligation through the use of model resources developed by an organization of school boards of which the school board is a member.

(2) The information provided under subsection (1) must include, at a minimum, the following educational and extracurricular opportunities:

(a) evaluation and identification of children with disabilities and special education programs beginning at age 3 pursuant to 20-7-411;

(b) early literacy targeted interventions pursuant to 20-7-1801 through 20-7-1804;

(c) part-time enrollment of a student who is otherwise enrolled at a nonpublic or home school pursuant to 20-5-101;

(d) admission to a school of a district beginning at age 5 pursuant to 20-5-101, and the option to enroll a child *half-time* in a ~~half-time~~ kindergarten program pursuant to 20-7-117;

(e) proficiency-based learning and other forms of personalized learning pursuant to 20-7-1601, including options for obtaining course equivalency and course waiver determinations from the board of trustees pursuant to 20-3-324(18);

(f) participation in extracurricular activities, including participation by nonpublic and home school students pursuant to 20-5-112;

(g) access to remote instruction, including through the Montana digital academy pursuant to Title 20, chapter 7, part 12, and through other school districts as provided in 20-7-118;

(h) out-of-district attendance pursuant to Title 20, chapter 5, part 3;

(i) availability of funding to support student access to advanced opportunities, if applicable to a district pursuant to 20-7-1506;

(j) career and technical education pursuant to Title 20, chapter 7, part 3, including the attainment of industry-recognized credentials and work-based learning, pursuant to 20-7-1510;

(k) early college, dual enrollment, and running start opportunities, pursuant to 20-9-706; and

(l) other opportunities for school-age children through Montana public schools that:

(i) support the development of a child's full educational potential;

(ii) assist in reducing the costs of postsecondary education and workforce preparation; and

(iii) foster life success.

(3) The legislature intends that boards of trustees and organizations of boards of trustees communicate and collaborate with the education interim committee to demonstrate the implementation of the requirements of this section and to identify additional opportunities following legislative sessions."

Section 4. Section 20-7-117, MCA, is amended to read:

"**20-7-117. Kindergarten and preschool programs.** (1) The trustees of an elementary district shall establish or make available a kindergarten program capable of accommodating, at a minimum, all the children in the district who will be 5 years old on or before September 10 of the school year for which the program is to be conducted or who have been admitted through the exceptional circumstances provision under 20-5-101 by the board of trustees. The kindergarten program~~, which the trustees may designate as either a half-time or full-time program,~~ must*:*

(a) meet, at a minimum, the half-time aggregate hour requirements under 20-1-301;

(b) be an integral part of the elementary school and must be financed and governed accordingly, provided that to be eligible for inclusion in the calculation of ANB pursuant to 20-9-311, a child must have reached 5 years of age on or before September 10 of the school year covered by the calculation or have been admitted to the district's kindergarten program by the board of trustees through the exceptional circumstances provision under 20-5-101~~. A kindergarten program must meet the minimum aggregate hour requirements established in 20-1-301. A kindergarten program that is designated as a full-time program must~~*; and*

(c) if offered full-time, allow a parent, guardian, or other person who is responsible for the enrollment of a child in school, as provided in 20-5-102, to enroll the child half-time.

(2) The trustees of an elementary school district may establish and operate a free preschool program for children between the ages of 3 and 5 years. When preschool programs are established, they must be an integral part of the elementary school and must be governed accordingly. Financing of preschool

programs may not be supported by money available from state equalization aid.

(3) As used in this title, the following definitions apply:

(a) "Kindergarten program" means a ~~half-time or full-time~~ 1-year program immediately preceding a child's entry into 1st grade with curriculum and instruction selected by the board of trustees and aligned to the content standards established by the board of public education.

(b) "Preschool program" means a half-time or full-time program to prepare children for entry into kindergarten and governed by standards adopted by the board of public education."

Section 5. Section 20-9-311, MCA, is amended to read:

"**20-9-311. Calculation of ~~average number belonging (ANB)~~ *ANB* – 3-year averaging.** (1) Average number belonging ~~(ANB)~~ must be computed for each budget unit as follows:

(a) compute an average enrollment by adding a count of regularly enrolled pupils who were enrolled as of the first Monday in October of the prior school fiscal year to a count of regularly enrolled pupils on the first Monday in February of the prior school fiscal year or the next school day if those dates do not fall on a school day, and divide the sum by two; and

(b) multiply the average enrollment calculated in subsection (1)(a) by the sum of 180 and the approved pupil-instruction-related days for the current school fiscal year and divide by 180.

(2) For the purpose of calculating ANB under subsection (1), up to 7 approved pupil-instruction-related days may be included in the calculation.

(3) When a school district has approval to operate less than the minimum aggregate hours under 20-9-806, the total ANB must be calculated in accordance with the provisions of 20-9-805.

(4) (a) Except as provided in subsection (4)(d), for the purpose of calculating ANB, enrollment in an education program:

(i) from 180 to 359 aggregate hours of pupil instruction per school year is counted as one-quarter-time enrollment;

(ii) from 360 to 539 aggregate hours of pupil instruction per school year is counted as half-time enrollment;

(iii) from 540 to 719 aggregate hours of pupil instruction per school year is counted as three-quarter-time enrollment; and

(iv) 720 or more aggregate hours of pupil instruction per school year is counted as full-time enrollment.

(b) Except as provided in subsection (4)(d), enrollment in a program intended to provide fewer than 180 aggregate hours of pupil instruction per school year may not be included for purposes of ANB.

(c) Enrollment in a self-paced program or course may be converted to an hourly equivalent based on the hours necessary and appropriate to provide the course within a regular classroom schedule.

(d) A school district may include in its calculation of ANB a pupil who is enrolled in a program providing fewer than the required aggregate hours of pupil instruction required under subsection (4)(a) or (4)(b) if the pupil has demonstrated proficiency in the content ordinarily covered by the instruction as determined by the school board using district assessments. The ANB of a pupil under this subsection (4)(d) must be converted to an hourly equivalent based on the hours of instruction ordinarily provided for the content over which the student has demonstrated proficiency.

(e) (i) Except as provided in subsection (4)(e)(ii), a pupil in kindergarten through grade 12 who is concurrently enrolled in more than one public school, program, or district may not be counted as more than one full-time pupil for

ANB purposes. When a pupil is concurrently enrolled in more than one district, any fractional enrollment under subsection (4)(a) must be attributed first to a pupil's nonresident district.

(ii) A pupil who participates in a jumpstart program under Title 20, chapter 7, part 18, may be counted as up to 1 1/4 enrollment for ANB purposes. A district shall add one-quarter enrollment for a pupil who participated in an early literacy jumpstart program to the pupil's regular enrollment count under this subsection (4) in both the October and February enrollment counts following the student's participation in the jumpstart program.

~~(5) For a district that is transitioning from a half-time to a full-time kindergarten program, the state superintendent shall count kindergarten enrollment in the previous year as full-time enrollment for the purpose of calculating ANB for the elementary programs offering full-time kindergarten in the current year. For the purposes of calculating the 3-year ANB, the superintendent of public instruction shall count the kindergarten enrollment as one-half enrollment and then add the additional kindergarten ANB to the 3-year average ANB for districts offering full-time kindergarten.~~

~~(6)~~*(5)* When a pupil has been absent, with or without excuse, for more than 10 consecutive school days, the pupil may not be included in the enrollment count used in the calculation of the ANB unless the pupil resumes attendance prior to the day of the enrollment count.

~~(7)~~*(6)* (a) The enrollment of preschool pupils, as provided in 20-7-117, may not be included in the ANB calculations.

(b) Except as provided in subsection ~~(7)(c)~~ *(6)(c)*, a pupil who has reached 19 years of age by September 10 of the school year may not be included in the ANB calculations.

(c) A pupil with disabilities who is over 19 years of age and has not yet reached 21 years of age by September 10 of the school year and who is receiving special education services from a school district pursuant to 20-7-411(4)(a) may be included in the ANB calculations if:

(i) the student has not graduated;

(ii) the student is eligible for special education services and is likely to be eligible for adult services for individuals with developmental disabilities due to the significance of the student's disability; and

(iii) the student's individualized education program has identified transition goals that focus on preparation for living and working in the community following high school graduation since age 16 or the student's disability has increased in significance after age 16.

(d) A school district providing special education services pursuant to subsection ~~(7)(c)~~ *(6)(c)* is encouraged to collaborate with agencies and programs that serve adults with developmental disabilities in meeting the goals of a student's transition plan.

~~(8)~~*(7)* The ~~average number belonging~~ *ANB* of the regularly enrolled pupils for the public schools of a district must be based on the aggregate of all the regularly enrolled pupils attending the schools of the district, except that:

(a) the ANB is calculated as a separate budget unit when:

(i) a school of the district is located more than 20 miles beyond the incorporated limits of a city or town located in the district and at least 20 miles from any other school of the district, the number of regularly enrolled pupils of the school must be calculated as a separate budget unit for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;

(ii) a school of the district is located more than 20 miles from any other school of the district and incorporated territory is not involved in the district,

the number of regularly enrolled pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;

(iii) the superintendent of public instruction approves an application not to aggregate when geographic barriers exist affecting transportation, such as poor roads, mountains, rivers, or other obstacles to travel, that would result in an unusual hardship to the pupils of the school if they were transported to another school, the number of regularly enrolled pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district; or

(iv) two or more districts consolidate or annex under the provisions of 20-6-422 or 20-6-423, the ANB and the basic entitlements of the component districts must be calculated separately for a period of 3 years following the consolidation or annexation. Each district shall retain a percentage of its basic entitlement for 3 additional years as follows:

(A) 75% of the basic entitlement for the fourth year;

(B) 50% of the basic entitlement for the fifth year; and

(C) 25% of the basic entitlement for the sixth year.

(b) when a junior high school has been approved and accredited as a junior high school, all of the regularly enrolled pupils of the junior high school must be considered as high school district pupils for ANB purposes;

(c) when a middle school has been approved and accredited, all pupils below the 7th grade must be considered elementary school pupils for ANB purposes and the 7th and 8th grade pupils must be considered high school pupils for ANB purposes; or

(d) when a school has been designated as nonaccredited by the board of public education because of failure to meet the board of public education's assurance and performance standards, the regularly enrolled pupils attending the nonaccredited school are not eligible for ~~average number belonging~~ *ANB* calculation purposes, nor will an ~~average number belonging~~ *ANB* for the nonaccredited school be used in determining the BASE funding program for the district.

~~(9)~~*(8)* The district shall provide the superintendent of public instruction with semiannual reports of school attendance, absence, and enrollment for regularly enrolled students, using a format determined by the superintendent.

~~(10)~~*(9)* (a) Except as provided in subsections ~~(10)(b)~~ *(9)(b)* and ~~(10)(c)~~ *(9)(c)*, enrollment in a basic education program provided by the district through any combination of in-person or remote instruction may be included for ANB purposes only if the pupil is offered access to the complete range of educational services for the basic education program required by the accreditation standards adopted by the board of public education.

(b) Access to school programs and services for a student placed by the trustees in a private program for special education may be limited to the programs and services specified in an approved individual education plan supervised by the district.

(c) Access to school programs and services for a student who is incarcerated in a facility, other than a youth detention center, may be limited to the programs and services provided by the district at district expense under an agreement with the incarcerating facility.

(d) This subsection ~~(10)~~ *(9)* may not be construed to require a school district to offer access to activities governed by an organization having jurisdiction over interscholastic activities, contests, and tournaments to a pupil who is not otherwise eligible under the rules of the organization.

~~(11)~~*(10)* A district may include only, for ANB purposes, an enrolled pupil who is otherwise eligible under this title and who is:

(a) a resident of the district or a nonresident student admitted by trustees under a student attendance agreement and who is attending a school or an offsite instructional setting of the district;

(b) unable to attend school due to a medical reason certified by a medical doctor and receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;

(c) unable to attend school due to the student's incarceration in a facility, other than a youth detention center, and who is receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;

(d) receiving special education and related services, other than day treatment, under a placement by the trustees at a private nonsectarian school or private program if the pupil's services are provided at the district's expense under an approved individual education plan supervised by the district;

(e) participating in the running start program at district expense under 20-9-706;

(f) receiving educational services, provided by the district, using appropriately licensed district staff at a private residential program or private residential facility licensed by the department of public health and human services;

(g) enrolled in an educational program or course provided at district expense using remote delivery methods, including but not limited to tutoring, distance learning programs, online programs, and technology delivered learning programs. The pupil:

(i) must meet the residency requirements for that district as provided in 1-1-215;

(ii) shall live in the district and must be eligible for educational services under the Individuals With Disabilities Education Act or under 29 U.S.C. 794; or

(iii) must be enrolled in the educational program or course under a mandatory attendance agreement as provided in 20-5-321; or

(iv) must be receiving remote instruction under 20-7-118(1)(c).

(h) a resident of the district attending the Montana youth challenge program or a Montana job corps program under an interlocal agreement with the district under 20-9-707.

~~(12)~~*(11)* A district shall, for ANB purposes, calculate the enrollment of an eligible Montana youth challenge program participant as half-time enrollment.

~~(13)~~*(12)* (a) A district may, for ANB purposes, include in the October and February enrollment counts an individual who is otherwise eligible under this title and who during the prior school year:

(i) resided in the district;

(ii) was not enrolled in the district or was not enrolled full time; and

(iii) completed an extracurricular activity with a duration of at least 6 weeks.

(b) (i) Except as provided in subsection ~~(13)(b)(ii)~~ *(12)(b)(ii)*, each completed extracurricular activity under subsection ~~(13)(a)~~ *(12)(a)* may be counted as one-sixteenth enrollment for the individual, but under this subsection ~~(13)~~ *(12)* the individual may not be counted as more than one full-time enrollment for ANB purposes.

(ii) Each completed extracurricular activity lasting longer than 18 weeks may be counted as one-eighth enrollment.

(c) For the purposes of this section, "extracurricular activity" means:

(i) a sport or activity sanctioned by an organization having jurisdiction over interscholastic activities, contests, and tournaments;

(ii) an approved career and technical student organization, pursuant to 20-7-306; or

(iii) a school theater production.

~~(14)~~*(13)* (a) For an elementary or high school district that has been in existence for 3 years or more, the district's maximum general fund budget and BASE budget for the ensuing school fiscal year must be calculated using the current year ANB for all budget units or the 3-year average ANB for all budget units, whichever generates the greatest maximum general fund budget.

(b) For a K-12 district that has been in existence for 3 years or more, the district's maximum general fund budget and BASE budget for the ensuing school fiscal year must be calculated separately for the elementary and high school programs pursuant to subsection ~~(14)(a)~~ *(13)(a)* and then combined.

~~(15)~~*(14)* The term "3-year ANB" means an average ANB over the most recent 3-year period, calculated by:

(a) adding the ANB for the budget unit for the ensuing school fiscal year to the ANB for each of the previous 2 school fiscal years; and

(b) dividing the sum calculated under subsection ~~(15)(a)~~ *(14)(a)* by three."

Section 6. Section 20-9-313, MCA, is amended to read:

"**20-9-313. Circumstances under which regular ~~average number belonging~~ *ANB* may be increased.** ~~(1)~~ The average number belonging of a ~~school~~ *budget unit of a school district*, calculated in accordance with the ANB formula prescribed in 20-9-311, may be increased when:

~~(a)~~*(1)* the opening of a new elementary school or the reopening of an elementary school has been approved in accordance with 20-6-502. ~~The~~ *An increase in the* average number belonging for the ~~school~~ *appropriate budget unit resulting from the opening or reopening of the school* must be established by the county superintendent and approved, disapproved, or adjusted by the superintendent of public instruction.

~~(b)~~*(2)* the opening or reopening of a high school or a branch of the county high school has been approved in accordance with 20-6-503, 20-6-504, or 20-6-505. ~~The~~ *An increase in the* average number belonging for the ~~high school~~ *appropriate budget unit* must be established by the county superintendent's estimate, after an investigation of the probable number of pupils that will attend the high school.

~~(c)~~*(3)* a district anticipates an increase in the average number belonging due to the closing of a private or public school in the district or a neighboring district. The estimated increase in average number belonging *for the appropriate budget unit* must be established by the trustees and the county superintendent and approved, disapproved, or adjusted by the superintendent of public instruction no later than the fourth Monday in June.

~~(d) for the initial year of operation of a kindergarten program established under 20-7-117(1), the ANB to be used for budget purposes is:~~

~~(i) one-half the number of 5-year-old children residing in the district as of September 10 of the preceding school year, either as shown on the official school census or as determined by some other procedure approved by the superintendent of public instruction, for the purpose of implementing a half-time kindergarten program as provided in 20-1-301; or~~

~~(ii) the number of 5-year-old children residing in the district as of September 10 of the preceding school year, either as shown on the official school census or as determined by some other procedure approved by the superintendent of~~

~~public instruction, for the purpose of implementing a full-time kindergarten program as provided in 20-1-301; or~~

~~(c)~~*(4)* a high school district provides early graduation for a student who completes graduation requirements in less than eight semesters or the equivalent amount of secondary school enrollment. The increase must be established by the trustees as though the student had attended to the end of the school fiscal year and must be approved, disapproved, or adjusted by the superintendent of public instruction.

~~(2) This section does not apply to the expansion of a half-time kindergarten program to a full-time kindergarten program.~~"

Section 7. Effective date. [This act] is effective July 1, 2025.

Section 8. Applicability. [This act] applies to school fiscal years beginning on or after July 1, 2025.

Approved April 7, 2025

CHAPTER NO. 97

[HB 28]

AN ACT REVISING LAWS RELATED TO PUBLIC CHARTER SCHOOLS TO CLARIFY APPROVAL TIMELINES, OPENING PROCEDURES, AND FUNDING FOR THE INITIAL YEARS OF OPERATION; REQUIRING THE BOARD OF PUBLIC EDUCATION TO INFORM THE OFFICE OF PUBLIC INSTRUCTION AND THE RELEVANT COUNTY SUPERINTENDENT ABOUT THE STATUS OF PUBLIC CHARTER SCHOOLS; PROVIDING THAT VARIOUS TIMELINE REQUIREMENTS ARE BUSINESS DAYS; CLARIFYING THAT PUBLIC CHARTER SCHOOLS APPROVED BY THE BOARD OF PUBLIC EDUCATION ARE NOT SUBJECT TO OTHER SCHOOL OPENING REQUIREMENTS; PROVIDING THAT PUBLIC CHARTER SCHOOLS GOVERNED BY LOCAL SCHOOL BOARDS ARE NOT ELIGIBLE FOR THE PER-ANB ENTITLEMENT IN THE FIRST YEAR OF OPERATION; PROVIDING THAT PUBLIC CHARTER SCHOOL DISTRICTS ARE ELIGIBLE FOR THE PER-ANB ENTITLEMENT IN THE FIRST YEAR OF OPERATION BASED ON PLANNED ENROLLMENT AND ARE SUBJECT TO CLAWBACK PROVISIONS; PROVIDING THAT ELIGIBILITY FOR A BASIC ENTITLEMENT IS INITIALLY BASED ON PLANNED ENROLLMENT AND THAT BASIC ENTITLEMENT PAYMENTS PROVIDED TO PUBLIC CHARTER SCHOOLS AND DISTRICTS IN THE FIRST YEAR OF OPERATION ARE SUBJECT TO CLAWBACK PROVISIONS; AMENDING SECTIONS 20-6-804, 20-6-805, 20-6-806, 20-6-809, AND 20-6-812, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 20-6-804, MCA, is amended to read:

"**20-6-804. Board of public education responsibilities.** (1) In accordance with this part, the board of public education is responsible for executing the following essential powers and duties:

(a) soliciting and evaluating charter proposals;

(b) approving charter proposals that meet identified educational needs and promote a diversity of educational choices, including but not limited to:

(i) increasing standards for student achievement;

(ii) closing achievement gaps between high-performing and low-performing groups of public school students;

(iii) increasing educational opportunities within the public education system;

(iv) providing alternative learning environments for students who are not thriving in traditional school settings;

(v) lowering the dropout rate;

(vi) creating new professional opportunities for teachers and other school personnel;

(vii) encouraging the use of different models of teaching and learning; and

(viii) providing students, parents, community members, and local entities with expanded opportunities for involvement in the public education system;

(c) denying approval of charter proposals that fail to provide clear and convincing proof of their likelihood of success;

(d) negotiating and executing sound charter contracts with each approved public charter school;

(e) monitoring approved public charter schools' performance and legal compliance with charter contract terms; ~~and~~

(f) determining whether each charter contract merits renewal, nonrenewal, or revocation*; and*

(g) informing the office of public instruction and the relevant county superintendent of schools regarding the status of public charter schools in a timely manner.

(2) On or before December 1 of each year, beginning in the first year that a public charter school has been in operation for a full school year, the board of public education shall publish to the board's website and submit to the legislature in accordance with 5-11-210 an annual report on the state's public charter schools for the school year ending in the preceding calendar year. The annual report must include:

(a) a comparison of the performance of public charter school students with the performance of academically, ethnically, and economically comparable groups of students in noncharter public schools; and

(b) the board's assessment of the successes, challenges, and areas for improvement in meeting the purposes of this part, including the board's assessment of the sufficiency of funding for public charter schools and any suggested changes in state law or policy necessary to strengthen the state's public charter schools."

Section 2. Section 20-6-805, MCA, is amended to read:

"**20-6-805. Public charter school proposal process.** (1) To solicit, encourage, and guide the development of public charter schools, the board of public education shall issue and broadly publicize a request for proposal ~~by October 1 in 2023 and~~ by June 1 ~~of each year thereafter~~ *annually*. The content and dissemination of the request for proposal must be consistent with the purposes and requirements of this part.

(2) The request for proposal must include:

(a) the criteria that will guide the board's decision to approve or deny a charter proposal;

(b) clear and detailed questions designed to gauge an applicant's capacity to establish and operate a successful public charter school, as well as guidelines concerning the format and content of an applicant's response to the request for proposal.

(3) A request for proposal must require applicants to describe thoroughly the following essential elements of their public charter school proposal:

(a) an executive summary;

(b) the mission and vision of the proposed public charter school, including identification of the targeted student population and the community the school proposes to serve;

(c) the school district in which the public charter school is proposed to be located and operate;

(d) the grades to be served each year for the full term of the charter contract;

(e) the minimum, planned, and maximum enrollment per year for the term of the charter contract;

(f) specific evidence:

(i) of significant community support for the proposed public charter school; and

(ii) for an applicant that is not a local school board:

(A) that the applicant has sought from the local school board the creation of a school or program of the located school district serving the mission and vision of the proposed public charter school;

(B) the local school board declined to create the school or program or submit to the board of public education a proposal for the creation of a public charter school consistent with the mission and vision of the proposed public charter school; and

(C) a legal description of the property of the existing school district from which the boundaries of the charter school district are proposed to be formed;

(g) for an applicant that is not a local school board, background information on the initial governing board members and, if identified, the proposed school leadership and management team;

(h) the proposed public charter school's proposed calendar and sample daily schedule;

(i) a description of the academic program, including:

(i) plans to formally assess student achievement on an annual basis; and

(ii) variances to existing standards that the proposed public charter school requires;

(j) a description of the proposed public charter school's instructional design, including the type of learning environment, class size and structure, curriculum overview, and teaching methods;

(k) the proposed public charter school's plans for identifying and successfully serving students with disabilities, students who are English language learners, students who are academically challenged, and gifted students, including but not limited to compliance with applicable laws and regulations;

(l) a description of cocurricular or extracurricular programs, if any, and how the programs will be funded and delivered;

(m) plans and timelines for student recruitment and enrollment, including lottery procedures;

(n) the proposed public charter school's student discipline policies, including those for special education students;

(o) an organizational chart that clearly presents the proposed public charter school's organizational structure, including lines of authority and reporting between the governing board, staff, related bodies such as advisory bodies or parent and teacher councils, and external organizations that will play a role in managing the school;

(p) a clear description of the roles and responsibilities for the governing board, the proposed public charter school's leadership and management team, and other entities shown in the organizational chart;

(q) a staffing chart for the proposed public charter school's first year and a staffing plan for the term of the charter;

(r) plans for recruiting and developing school leadership and staff;

(s) the proposed public charter school's leadership and teacher employment policies, including performance evaluation plans;

(t) proposed governing bylaws;

(u) explanations of any partnerships or contractual relationships central to the proposed public charter school's operations or mission;

(v) the proposed public charter school's plans for providing transportation, food service, and all other significant operational or ancillary services, if any;

(w) opportunities and expectations for parent involvement;

(x) a detailed school startup plan, identifying tasks, timelines, and responsible individuals;

(y) a description of the proposed public charter school's financial plan and policies, including financial controls and audit requirements;

(z) a description of the insurance coverage the proposed public charter school will obtain;

(aa) startup and 5-year budgets with clearly stated assumptions;

(bb) startup and first-year cash flow projections with clearly stated assumptions;

(cc) evidence of anticipated fundraising contributions, if claimed in the proposal; and

(dd) a sound facilities plan, including backup or contingency plans, if appropriate.

(4) If a public charter school proposal does not contain the elements required in subsection (3), the board shall consider the proposal incomplete and return the proposal to the applicant without taking further action.

(5) In reviewing and evaluating charter proposals, the board shall employ procedures, practices, and criteria consistent with nationally recognized best practices, principles, and standards for the authorization of public charter schools. The proposal review process must include thorough evaluation of each written charter proposal, an in-person interview with the applicant, and an opportunity in a public forum for local residents to learn about and provide input on each proposal.

(6) In deciding whether to approve charter proposals, the board shall:

(a) grant charters only to applicants that have demonstrated competence in each element of the board's published approval criteria and are likely to open and operate a successful public charter school;

(b) base decisions on documented evidence collected through the proposal review process;

(c) for an applicant that is not a local school board, request input from the qualified electors of the located school district regarding concerns about the applicant's proposal being approved;

(d) follow charter-granting policies and practices that are transparent and are based on merit and avoid conflicts of interest or any appearance of conflict; and

(e) weigh heavily the evidence of community support, the projected student enrollment, and the input received under subsection (6)(c) and only approve charters whose promise of improved educational outcomes outweighs potential increased costs to state and local taxpayers.

(7) (a) The board shall approve or deny a charter proposal within 90 *business* days after the filing of the charter proposal. When approval is granted to a governing board other than a local school board, the approval constitutes corresponding approval of the creation of a separate charter school district, the boundaries for which consist of the legal description of the campus of the charter school. These boundaries must be removed from the boundaries of the located school district for the purpose of establishing a distinct boundary for

the charter school district that is subject to exclusive supervision and control by the governing board of the charter school district.

(b) The board shall adopt by resolution all charter approval or denial decisions in an open meeting.

(c) An approval decision may include, if appropriate, reasonable conditions that the applicant must meet before a charter contract may be executed pursuant to 20-6-806.

(d) For any charter denial, the board shall clearly state for the public record the reasons for denial."

Section 3. Section 20-6-806, MCA, is amended to read:

"**20-6-806. Charter contract -- terms.** (1) An initial charter must be granted for a term of 5 operating years, commencing on July 1 of the first school year the public charter school will operate. An approved public charter school may delay its opening for 1 school year to plan and prepare for the school's opening. If the school requires an opening delay of more than 1 school year, the school shall request an extension from the board of public education. The board of public education may grant or deny the extension depending on the school's circumstances.

(2) Within 45 *business* days of approval of a charter proposal, the board of public education and the governing board of the approved public charter school district shall execute a charter contract that clearly sets forth the academic and operational performance expectations and measures by which the public charter school will be judged.

(3) The performance provisions of the charter contract may be refined or amended by mutual agreement after the public charter school is operating and has collected baseline achievement data for its enrolled students.

(4) The charter contract must be signed by the presiding officers of the board of public education and the public charter school's governing board.

(5) A public charter school may not commence operations without a charter contract executed in accordance with this section and approved in an open meeting of the board of public education.

(6) The board of public education may establish reasonable preopening requirements or conditions to monitor the startup progress of a newly approved public charter school to ensure that the school is prepared to open smoothly on the date agreed and to ensure that each school meets all building, health, safety, insurance, and other legal requirements for school opening. *Public charter schools approved by the board of public education are exempt from the requirements for school opening under Title 20, chapter 6, part 5.*"

Section 4. Section 20-6-809, MCA, is amended to read:

"**20-6-809. Charter school performance and renewal.** (1) The performance provisions within the charter contract must be based on a performance framework that clearly sets forth the academic and operational performance indicators, measures, and metrics that will guide the board of public education's evaluations of each public charter school. The performance framework must include indicators, measures, and metrics for, at a minimum:

(a) student academic proficiency;

(b) student academic growth;

(c) achievement gaps in both proficiency and growth between major student subgroups;

(d) attendance;

(e) recurrent enrollment from year to year;

(f) postsecondary readiness;

(g) financial performance and sustainability; and

(h) governing board performance and stewardship, including compliance with all applicable laws, regulations, and terms of the charter contract.

(2) Each public charter school shall set annual performance targets designed to help each school meet applicable federal, state, and board of public education expectations.

(3) (a) The contract performance framework must allow the inclusion, with the board of public education's approval, of additional rigorous, valid, and reliable indicators proposed by a public charter school to augment external evaluations of its performance that are consistent with the purposes of this part.

(b) The board of public education shall collect and analyze data from each public charter school it oversees in accordance with the performance framework.

(c) Multiple schools operating under a single charter contract or overseen by a single governing board of a charter school district shall report their performance as separate, individual schools. Each school must be held independently accountable for its performance.

(4) (a) The board of public education shall monitor the performance and legal compliance of each public charter school district and each public charter school, including collecting and analyzing data to support ongoing evaluation according to the charter contract. The board of public education has the authority to conduct or require oversight activities that do not unduly inhibit the autonomy granted to public charter schools and the supervision and control of a public charter school's governing board but that enable the board to fulfill its responsibilities under this part, including conducting appropriate inquiries and investigations consistent with the intent of this part, and to adhere to the terms of the charter contract.

(b) The board of public education shall annually publish a performance report for each public charter school within the performance framework set forth in the charter contract and 20-6-810. The board may require each public charter school it oversees to submit an annual report to assist the board in gathering complete information about each school, consistent with the performance framework.

(c) In the event that a public charter school's performance or legal compliance appears unsatisfactory, the board of public education shall promptly notify the governing board of the perceived problem and provide a reasonable opportunity for the school to remedy the problem.

(d) The board of public education may take appropriate corrective action or exercise sanctions short of revocation in response to apparent deficiencies in public charter school performance or legal compliance. The action or sanctions may include, if warranted, requiring a governing board to develop and execute a corrective action plan within a specified timeframe.

(5) (a) A charter may be renewed for successive 5-year terms, although the board of public education may vary the term based on the performance, demonstrated capacities, and particular circumstances of each public charter school. The board may grant renewal with specific conditions for necessary improvement to a public charter school.

(b) No later than June 30 of each year, the board of public education shall issue a public charter school performance report and charter renewal application guide to the governing board of any public charter school whose charter will expire the following year. The performance report must summarize the public charter school's performance record to date, based on the data required by this part and the charter contract, and must provide notice of any weaknesses or concerns perceived by the board concerning the public charter school that may

jeopardize renewal if not promptly rectified. The public charter school shall respond to the performance report and submit any corrections or clarifications within 90 *business* days.

(6) The renewal application guide must, at a minimum, provide an opportunity for the governing board of the public charter school to:

(a) present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal;

(b) describe improvements undertaken or planned for the public charter school; and

(c) detail the public charter school's plans for the next charter term.

(7) The renewal application guide must include or refer explicitly to the criteria that will guide the board's renewal decisions, based on the performance framework set forth in the charter contract and consistent with this part.

(8) (a) No later than February 1, the governing board of a public charter school seeking renewal shall submit a renewal application to the board of public education pursuant to the renewal application guide. The board of public education shall rule by resolution on the renewal application no later than 30 *business* days after the filing of the renewal application.

(b) When considering charter renewal, the board of public education shall:

(i) base its decision on evidence of the school's performance over the term of the charter contract in accordance with the performance framework set forth in the charter contract;

(ii) ensure that the data used in making renewal decisions is available to the school and the public; and

(iii) provide a public report summarizing the basis for each decision."

Section 5. Section 20-6-812, MCA, is amended to read:

"**20-6-812. Funding for public charter schools.** (1) It is the intent of the legislature that a public charter school receive operational funding on a per-pupil basis that is equitable with the per-pupil funding of the located school district.

(2) (a) *This subsection (2) applies to the budgeting and funding of a public charter school operated by a local school board.*

(b) ~~For budgeting and funding purposes, when a public charter school is operated by a local school board, a~~ *A* public charter school must be considered a separate budget unit of the located school district~~,~~ *and* must have its ANB calculated separately from other budget units of the district~~, and must~~. *Except as provided in subsection (2)(c), a public charter school must* receive a basic entitlement calculated separately from other budget units of the district when its ANB is greater than:

(i) 70 for an elementary school or program;

(ii) 20 for a middle school or program; or

(iii) 40 for a high school or program.

(c) For the first operating year of a public charter school:

(i) the public charter school is not eligible for the per-ANB entitlement, and the public charter school's eligibility for a separate basic entitlement under subsection (2)(a) of this section must be based on the planned enrollment provided in the public charter school's application as required in 20-6-805(3) and converted to ANB; and

(ii) if, after the October enrollment count, the public charter school's actual enrollment converted to ANB does not meet the eligibility requirements for a separate basic entitlement under subsection (2)(b) of this section, the basic entitlement of the public charter school is subject to the return of overpayment provisions under 20-9-344.

(d) For the second and third operating years of a public charter school, a public charter school's 3-year-average ANB is equal to its current year ANB.

~~(b)~~*(3) (a) This subsection (3) applies to the budgeting and funding of a public charter school district.*

(b) ~~When a public charter school district exists,~~ *The* funding of the public charter school district must be distributed as BASE aid, except as provided in *this* subsection ~~(2)(c)~~ *(3)(b)*, at 80% of the basic entitlement, 80% of the total per-ANB entitlement, 100% of the total quality educator payment, 100% of the total at-risk student payment, 100% of the total Indian education for all payment, 100% of the total American Indian achievement gap payment, 100% of the total data-for-achievement payment, and 140% of the special education allowable cost payment. The total amount of funding received by a public charter school district under this subsection ~~(2)(b)~~ *(3)(b)* is both the minimum amount and the maximum amount of public funding for the public charter school district.

(c) ~~A~~ *Except as provided in subsection (3)(d), a* public charter school district is not eligible for a basic entitlement unless its ANB is greater than:

(i) 70 for an elementary school or program;

(ii) 20 for a middle school or program; or

(iii) 40 for a high school or program.

(d) For the first operating year of a public charter school district:

(i) the public charter school district's per-ANB entitlement, Indian education for all payment, data-for-achievement payment, special education allowable cost payment, and eligibility for a basic entitlement must be based on the planned enrollment provided in the public charter school district's application as required in 20-6-805(3) and converted to ANB; and

(ii) if, after the October enrollment count, the public charter school district's actual enrollment converted to ANB is less than its planned enrollment converted to ANB or does not meet the eligibility requirements for a basic entitlement pursuant to subsection (3)(c) of this section, the public charter school district is subject to the return of overpayment provisions under 20-9-344.

~~(3)~~*(4)* Students attending a public charter school governed by a local school board who are not residents of the located school district generate funding in the same manner as other nonresident students attending a school of the located district under an out-of-district attendance agreement pursuant to Title 20, chapter 5, part 3~~;~~.

~~(4)~~*(5)* A public charter school district is prohibited from charging tuition and fees.

~~(5)~~*(6)* For a public charter school that is not governed by the local school board, the county treasurer of the county in which a public charter school is located shall establish funds for the public charter school separate from the funds of the located school district.

~~(6)~~*(7)* The governing board of a public charter school shall report annually on the financial activities of the public charter school in the manner prescribed in 20-9-213(6).

~~(7)~~*(8)* A public charter school district may obligate the public charter school district to indebtedness and is solely responsible for those debts. A public charter school district is not responsible for any debt service obligations that exist in the located school district.

~~(8)~~*(9)* Nothing in this part may be construed to prohibit any person or organization from providing funding or other assistance for the establishment or operation of a public charter school. The governing board of a public charter school is authorized to accept gifts or donations of any kind made to the public charter school and to expend or use the gifts or donations in accordance with

the conditions prescribed by the donor. A gift or donation may not be accepted if the gift or donation is subject to a condition that is contrary to any provision of law or term of the charter contract.

~~(9)~~*(10)* Money received by a public charter school from any source and remaining in the public charter school's accounts at the end of a budget year must remain in the public charter school's accounts for use by the public charter school in subsequent years."

Section 6. Effective date. [This act] is effective on passage and approval.

Section 7. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to public charter schools approved by the board of public education to commence operations for the first time in school years beginning on or after July 1, 2025.

Approved April 7, 2025

CHAPTER NO. 98

[HB 37]

AN ACT REVISING LOCAL GOVERNMENT PRELIMINARY BUDGET REQUIREMENTS TO INCLUDE PRIOR BUDGET YEAR TAX AMOUNTS AND CURRENT BUDGET YEAR ESTIMATED TAX AMOUNTS; AND AMENDING SECTION 7-6-4020, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 7-6-4020, MCA, is amended to read:

"**7-6-4020. Preliminary annual operating budget.** (1) A preliminary annual operating budget must be prepared for the local government.

(2) This part does not provide for the consolidation or reassignment, but does not prohibit delegation by mutual agreement, of any duties of elected county officials.

(3) (a) Before June 1 of each year, the county clerk and recorder shall notify the county commission and each board, office, regional resource authority, or official that they are required to file preliminary budget proposals for their component of the total county budget.

(b) Component budgets must be submitted to the *county* clerk and recorder before June 10th or on a date designated by the county commission and must be submitted on forms provided by the county clerk and recorder.

(c) The county clerk and recorder shall prepare and submit the county's preliminary annual operating budget.

(d) Component budget responsibilities as provided in this subsection (3) include but are not limited to the following:

(i) The county surveyor or any special engineer shall compute road and bridge component budgets and submit them to the county commission.

(ii) The county commission shall submit road and bridge component budgets.

(iii) The county treasurer shall submit debt service component budgets.

(iv) The county commission shall submit component budgets for construction or improvements to be made from new general obligation debt.

(4) The preliminary annual operating budget for each fund must include, at a minimum:

(a) a listing of all revenue and other resources for the prior budget year, current budget year, and proposed budget year;

(b) a listing of all expenditures for the prior budget year, the current budget year, and the proposed budget year. All expenditures must be classified under one of the following categories:

(i) salaries and wages;

(ii) operations and maintenance;

(iii) capital outlay;

(iv) debt service; or

(v) transfers out.

(c) a projection of changes in fund balances or cash balances available for governmental fund types and a projection of changes in cash balances and working capital for proprietary fund types. This projection must be supported by a summary for each fund or group of funds listing the estimated beginning balance plus estimated revenue, less proposed expenditures, cash reserves, and estimated ending balances.

(d) a detailed list of proposed capital expenditures and a list of proposed major capital projects for the budget year;

(e) financial data on current and future debt obligations;

(f) schedules or summary tables of personnel or position counts for the prior budget year, current budget year, and proposed budget year. The budgeted amounts for personnel services must be supported by a listing of positions, salaries, and benefits for all positions of the local government. The listing of positions, salaries, and benefits is not required to be part of the budget document.

(g) all other estimates that fall under the purview of the budget.

(5) The preliminary annual operating budget for each fund for which the local government will levy an ad valorem property tax must include the estimated amount to be raised by the tax.

(6) ~~If a government entity intends to increase property taxes, including an increase authorized under 15-10-420(1), the preliminary budget must include the amount by which property taxes will increase on homes valued at $100,000, $300,000, and $600,000.~~ *The preliminary annual operating budget must include the property taxes levied on $100,000 of residential property value from all mills levied by the government entity in the prior budget year and the estimated property taxes to be levied under the preliminary annual operating budget on $100,000 of residential property value from all mills the government entity will levy in the current budget year.*"

Approved April 7, 2025

CHAPTER NO. 99

[HB 46]

AN ACT REVISING CHANGE OF ATTORNEY LAWS; PROVIDING THAT THE REQUIREMENTS FOR CHANGING AN ATTORNEY DO NOT APPLY TO PUBLIC DEFENDERS APPOINTED UNDER THE MONTANA PUBLIC DEFENDER ACT; AND AMENDING SECTION 37-61-403, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 37-61-403, MCA, is amended to read:

"**37-61-403. Change of attorney.** *(1)* The attorney in an action or special proceeding may be changed at any time before or after judgment or final determination, as follows:

~~(1)~~*(a)* ~~upon~~ *on* consent of both client and attorney, filed with the clerk or entered ~~upon~~ *on* the minutes; *or*

~~(2)~~*(b)* ~~upon~~ *on* the order of the court, ~~upon~~ *on* the application of either client or attorney, after notice from one to the other.

(2) The provisions of this section do not apply to assignments or reassignments of a public defender by the office of state public defender in which the office of state public defender is appointed pursuant to the Montana Public Defender Act, Title 47, chapter 1."

Approved April 7, 2025

CHAPTER NO. 100

[HB 49]

AN ACT GENERALLY REVISING LAWS RELATED TO SYNTHETIC CANNABINOIDS; REVISING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 16-12-101, 16-12-102, 16-12-108, 16-12-112, 16-12-117, 16-12-208, 16-12-305, AND 45-5-623, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 16-12-101, MCA, is amended to read:

"**16-12-101. Short title -- purpose.** (1) This chapter may be cited as the "Montana Marijuana Regulation and Taxation Act".

(2) The purpose of this chapter is to:

(a) provide for legal possession and use of limited amounts of marijuana legal for adults 21 years of age or older;

(b) provide for the licensure and regulation of the cultivation, manufacture, production, distribution, transportation, and sale of marijuana and marijuana products;

(c) eliminate the illicit market for marijuana and marijuana products;

(d) prevent the manufacture and distribution of synthetic ~~marijuana~~ *cannabinoid* products;

(e) prevent the distribution of marijuana sold under this chapter to persons under 21 years of age;

(f) ensure the safety of marijuana and marijuana products;

(g) ensure the security of licensed premises;

(h) establish reporting requirements for licensees;

(i) establish inspection requirements for licensees, including data collection on energy use, chemical use, water use, and packaging waste to ensure a clean and healthy environment;

(j) provide for the testing of marijuana and marijuana products by licensed testing laboratories;

(k) give local governments authority to allow for the operation of marijuana businesses in their community and establishing standards for the cultivation, manufacture, and sale of marijuana that protect the public health, safety, and welfare of residents within their jurisdictions;

(l) tax the sale of marijuana and marijuana products to provide compensation for the economic and social costs of marijuana;

(m) authorize courts to resentence persons who are currently serving sentences for acts that are permitted under this chapter or for which the penalty is reduced by this chapter and to redesignate or expunge those offenses from the criminal records of persons who have completed their sentences as set forth in this chapter; and

(n) preserve and protect Montana's well-established hemp industry by drawing a clear distinction between those participants and programs and the participants and programs associated with the marijuana industry.

(3) Marijuana and marijuana products are not agricultural products, and the cultivation, processing, manufacturing or selling of marijuana or marijuana products is not considered agriculture subject to regulation by the department of agriculture unless expressly provided."

Section 2. Section 16-12-102, MCA, is amended to read:

"**16-12-102. Definitions.** As used in this chapter, the following definitions apply:

(1) "Adult-use dispensary" means a licensed premises from which a person licensed by the department may:

(a) obtain marijuana or marijuana products from a licensed cultivator, manufacturer, dispensary, or other licensee approved under this chapter; and

(b) sell marijuana or marijuana products to registered cardholders, adults that are 21 years of age or older, or both.

(2) "Affiliate" means a person that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, another person.

(3) "Beneficial owner of", "beneficial ownership of", or "beneficially owns an" is determined in accordance with section 13(d) of the federal Securities and Exchange Act of 1934, as amended.

(4) "Canopy" means the total amount of square footage dedicated to live plant production at a licensed premises consisting of the area of the floor, platform, or means of support or suspension of the plant.

(5) "Consumer" means a person 21 years of age or older who obtains or possesses marijuana or marijuana products for personal use from a licensed dispensary but not for resale.

(6) "Control", "controls", "controlled", "controlling", "controlled by", and "under common control with" mean the possession, direct or indirect, of the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting owner's interests, by contract, or otherwise.

(7) "Controlling beneficial owner" means a person that satisfies one or more of the following:

(a) is a natural person, an entity that is organized under the laws of and for which its principal place of business is located in one of the states or territories of the United States or District of Columbia, or a publicly traded corporation, and:

(i) acting alone or acting in concert, owns or acquires beneficial ownership of 5% or more of the owner's interest of a marijuana business;

(ii) is an affiliate that controls a marijuana business and includes, without limitation, any manager; or

(iii) is otherwise in a position to control the marijuana business; or

(b) is a qualified institutional investor acting alone or acting in concert that owns or acquires beneficial ownership of more than 15% of the owner's interest of a marijuana business.

(8) "Correctional facility or program" means a facility or program that is described in 53-1-202(2) or (3) and to which an individual may be ordered by any court of competent jurisdiction.

(9) "Cultivator" means a person licensed by the department to:

(a) plant, cultivate, grow, harvest, and dry marijuana; and

(b) package and relabel marijuana produced at the location in a natural or naturally dried form that has not been converted, concentrated, or compounded for sale through a licensed dispensary.

(10) "Debilitating medical condition" means:

(a) cancer, glaucoma, positive status for human immunodeficiency virus, or acquired immune deficiency syndrome when the condition or disease results in symptoms that seriously and adversely affect the patient's health status;

(b) cachexia or wasting syndrome;

(c) severe chronic pain that is a persistent pain of severe intensity that significantly interferes with daily activities as documented by the patient's treating physician;

(d) intractable nausea or vomiting;

(e) epilepsy or an intractable seizure disorder;

(f) multiple sclerosis;

(g) Crohn's disease;

(h) painful peripheral neuropathy;

(i) a central nervous system disorder resulting in chronic, painful spasticity or muscle spasms;

(j) admittance into hospice care in accordance with rules adopted by the department; or

(k) posttraumatic stress disorder.

(11) "Department" means the department of revenue provided for in 2-15-1301.

(12) (a) "Employee" means an individual employed to do something for the benefit of an employer.

(b) The term includes a manager, agent, or director of a partnership, association, company, corporation, limited liability company, or organization.

(c) The term does not include a third party with whom a licensee has a contractual relationship.

(13) (a) "Financial interest" means a legal or beneficial interest that entitles the holder, directly or indirectly through a business, an investment, or a spouse, parent, or child relationship, to 5% or more of the net profits or net worth of the entity in which the interest is held.

(b) The term does not include interest held by a bank or licensed lending institution or a security interest, lien, or encumbrance but does include holders of private loans or convertible securities.

(14) "Former medical marijuana licensee" means a person that was licensed by or had an application for licensure pending with the department of public health and human services to provide marijuana to individuals with debilitating medical conditions on April 27, 2021.

(15) (a) "Indoor cultivation facility" means an enclosed area used to grow live plants that is within a permanent structure using artificial light exclusively or to supplement natural sunlight.

(b) The term may include:

(i) a greenhouse; or

(ii) a similar structure that protects the plants from variable temperature, precipitation, and wind.

(16) "Licensed premises" means all locations related to, or associated with, a specific license that is authorized under this chapter and includes all enclosed public and private areas at the location that are used in the business operated pursuant to a license, including offices, kitchens, restrooms, and storerooms.

(17) "Licensee" means a person holding a state license issued pursuant to this chapter.

(18) "Local government" means a county, a consolidated government, or an incorporated city or town.

(19) "Manufacturer" means a person licensed by the department to convert or compound marijuana into marijuana products, marijuana concentrates, or marijuana extracts and package, repackage, label, or relabel marijuana products as allowed under this chapter.

(20) (a) "Marijuana" means all plant material from the genus Cannabis containing tetrahydrocannabinol (THC) or seeds of the genus capable of germination.

(b) The term does not include hemp as provided in 80-18-101.

(c) The term does not include synthetic ~~marijuana~~ *cannabinoid* products.

(d) The term does not include ~~a~~ *any* drug approved by the United States food and drug administration pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301, et seq.

(21) "Marijuana business" means a cultivator, manufacturer, adult-use dispensary, medical marijuana dispensary, combined-use marijuana licensee, testing laboratory, marijuana transporter, or any other business or function that is licensed by the department under this chapter.

(22) "Marijuana concentrate" means any type of marijuana product consisting wholly or in part of the resin extracted from any part of the marijuana plant.

(23) "Marijuana derivative" means any mixture or preparation of the dried leaves, flowers, resin, or byproducts of the marijuana plant, including but not limited to marijuana concentrates and other marijuana products.

(24) "Marijuana product" means a product that contains marijuana and is intended for use by a consumer. The term includes but is not limited to edible products, ointments, tinctures, marijuana derivatives, and marijuana concentrates, including concentrates intended for use by smoking or vaping.

(25) "Marijuana transporter" means a person that is licensed to transport marijuana and marijuana products from one marijuana business to another marijuana business, or to and from a testing laboratory, and to temporarily store the transported retail marijuana and retail marijuana products at its licensed premises, but is not authorized to sell marijuana or marijuana products to consumers under any circumstances.

(26) "Mature marijuana plant" means a harvestable marijuana plant.

(27) "Medical marijuana" means marijuana or marijuana products that are for sale solely to a cardholder who is registered under Title 16, chapter 12, part 5.

(28) "Medical marijuana dispensary" means the location from which a registered cardholder may obtain marijuana or marijuana products.

(29) "Outdoor cultivation" means live plants growing in an area exposed to natural sunlight and environmental conditions including variable temperature, precipitation, and wind.

(30) "Owner's interest" means the shares of stock in a corporation, a membership in a nonprofit corporation, a membership interest in a limited liability company, the interest of a member in a cooperative or in a limited cooperative association, a partnership interest in a limited partnership, a partnership interest in a partnership, and the interest of a member in a limited partnership association.

(31) "Paraphernalia" has the meaning provided for "drug paraphernalia" in 45-10-101.

(32) "Passive beneficial owner" means any person acquiring an owner's interest in a marijuana business that is not otherwise a controlling beneficial owner or in control.

(33) "Person" means an individual, partnership, association, company, corporation, limited liability company, or organization.

(34) "Qualified institutional investor" means:

(a) a bank or banking institution including any bank, trust company, member bank of the federal reserve system, bank and trust company, stock savings bank, or mutual savings bank that is organized and doing business under the laws of this state, any other state, or the laws of the United States;

(b) a bank holding company as defined in 32-1-109;

(c) a company organized as an insurance company whose primary and predominant business activity is the writing of insurance or the reinsuring of risks underwritten by insurance companies, and that is subject to regulation or oversight by the insurance department of the office of the state auditor or a similar agency of another state, or any receiver or similar official or any liquidating agent for such a company, in their capacity as such an insurance company;

(d) an investment company registered under section 8 of the federal Investment Company Act of 1940, as amended;

(e) an employee benefit plan or pension fund subject to the federal Employee Retirement Income Security Act of 1974, excluding an employee benefit plan or pension fund sponsored by a licensee or an intermediary holding company licensee that directly or indirectly owns 10% or more of a licensee;

(f) a state or federal government pension plan; or

(g) any other entity identified by rule by the department.

(35) "Registered cardholder" or "cardholder" means a Montana resident with a debilitating medical condition who has received and maintains a valid registry identification card.

(36) "Registry identification card" means a document issued by the department pursuant to 16-12-503 that identifies an individual as a registered cardholder.

(37) (a) "Resident" means an individual who meets the requirements of 1-1-215.

(b) An individual is not considered a resident for the purposes of this chapter if the individual:

(i) claims residence in another state or country for any purpose; or

(ii) is an absentee property owner paying property tax on property in Montana.

(38) "Seedling" means a marijuana plant that has no flowers and is less than 12 inches in height and 12 inches in diameter.

(39) "Synthetic ~~cannabinoids~~ *cannabinoid*" has the meaning provided in 50-32-222 and includes any ~~cannabinoids~~ *cannabinoid* produced artificially, whether from chemical synthesis or biosynthesis using recombinant biological agents, including but not limited to yeast and algae.

(40) "Synthetic ~~marijuana~~ *cannabinoid* product" means ~~marijuana or marijuana products that contain~~ *a product that contains a* synthetic ~~cannabinoids~~ *cannabinoid*.

(41) "Testing laboratory" means a qualified person, licensed under this chapter that:

(a) provides testing of representative samples of marijuana and marijuana products; and

(b) provides information regarding the chemical composition and potency of a sample, as well as the presence of molds, pesticides, or other contaminants in a sample.

(42) (a) "Usable marijuana" means the dried leaves and flowers of the marijuana plant that are appropriate for the use of marijuana by an individual.

(b) The term does not include the seeds, stalks, and roots of the plant."

Section 3. Section 16-12-108, MCA, is amended to read:

"**16-12-108. Limitations of act.** (1) This chapter does not permit:

(a) any individual to operate, navigate, or be in actual physical control of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while under the influence of marijuana or marijuana products;

(b) consumption of marijuana or marijuana products while operating or being in physical control of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being operated;

(c) smoking or consuming marijuana while riding in the passenger seat within an enclosed compartment of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being operated;

(d) production, delivery, distribution, purchase, or consumption of synthetic ~~marijuana~~ *cannabinoid* products;

(e) delivery or distribution of marijuana or marijuana products, with or without consideration, to a person under 21 years of age, unless the person is a registered cardholder;

(f) purchase, consumption, or use of marijuana or marijuana products by a person under 21 years of age, unless the person is a registered cardholder;

(g) possession or transport of marijuana or marijuana products by a person under 21 years of age unless the underage person is a registered cardholder or is at least 18 years of age and is an employee of a marijuana business licensed under this chapter and engaged in work activities;

(h) possession or consumption of marijuana or marijuana products or possession of marijuana paraphernalia:

(i) on the grounds of any property owned or leased by a school district, a public or private preschool, school, or postsecondary school as defined in 20-5-402;

(ii) in a school bus;

(iii) in a health care facility as defined in 50-5-101; or

(iv) on the grounds of any correctional facility;

(i) using marijuana or marijuana products in a location where smoking tobacco is prohibited;

(j) smoking marijuana in a hotel or motel room, except for a hotel or motel room that is designated as a smoking room and rented to a guest;

(k) consumption of marijuana or marijuana products:

(i) in a public place, except as allowed by the department; or

(ii) on trains, buses, or other forms of public transportation.

(l) conduct that endangers others;

(m) undertaking any task while under the influence of marijuana or marijuana products if doing so would constitute negligence or professional malpractice; or

(n) performing solvent-based extractions on marijuana using solvents other than water, glycerin, propylene glycol, vegetable oil, or food-grade ethanol unless licensed for this activity by the department.

(2) (a) A violation of subsections (1)(h)(i) through (1)(h)(iii) and (1)(i) through (1)(k) is subject to the penalties provided for in 50-40-115.

(b) In addition to the penalties provided for in 50-40-115, a person in violation of subsection (1)(h)(iv) may be subject to administrative action by the department of corrections and the department of justice, and a violation of subsection (1)(h)(iv) may be subject to the penalties provided for in 45-7-307.

(c) A violation of subsection (1)(n) is subject to the penalties provided for in 45-9-110(3).

(3) A person may not cultivate marijuana in a manner that is visible from the street or other public area.

(4) A hospice or residential care facility licensed under Title 50, chapter 5, may adopt a policy that allows use of marijuana by a registered cardholder.

(5) Nothing in this chapter may be construed to:

(a) require an employer to permit or accommodate conduct otherwise allowed by this chapter in any workplace or on the employer's property;

(b) prohibit an employer from disciplining an employee for violation of a workplace drug policy or for working while intoxicated by marijuana or marijuana products;

(c) prevent an employer from declining to hire, discharging, disciplining, or otherwise taking an adverse employment action against an individual with respect to hire, tenure, terms, conditions, or privileges of employment because of the individual's violation of a workplace drug policy or intoxication by marijuana or marijuana products while working;

(d) prohibit an employer from including in any contract a provision prohibiting the use of marijuana for a debilitating medical condition; or

(e) permit a cause of action against an employer for wrongful discharge pursuant to 39-2-904 or discrimination pursuant to 49-1-102.

(6) Nothing in this chapter may be construed to prohibit a person from prohibiting or otherwise regulating the consumption, cultivation, distribution, processing, sale, or display of marijuana, marijuana products, and marijuana paraphernalia on private property the person owns, leases, occupies, or manages, except that a lease agreement executed after January 1, 2021, may not prohibit a tenant from lawfully possessing and consuming marijuana by means other than smoking unless required by federal law or to obtain federal funding.

(7) A licensee who violates 15-64-103 or 15-64-104 or fails to pay any other taxes owed to the department under Title 15 is subject to revocation of the person's license from the date of the violation until a period of up to 1 year after the department certifies compliance with 15-64-103 or 15-64-104.

(8) Unless specifically exempted by this chapter, the provisions of Title 45, chapter 9, apply to the conduct of consumers, licensees, and registered cardholders."

Section 4. Section 16-12-112, MCA, is amended to read:

"**16-12-112. Rulemaking authority -- fees.** (1) The department may adopt rules to implement and administer this chapter, including:

(a) the manner in which the department will consider applications for licenses, permits, and endorsements and renewal of licenses, permits, and endorsements;

(b) the acceptable forms of proof of Montana residency;

(c) the procedures for obtaining fingerprints for the fingerprint-based and name-based background checks required under 16-12-129;

(d) the security and operating requirements for licensees;

(e) the security and operating requirements for manufacturing, including but not limited to requirements for:

(i) safety equipment;

(ii) extraction methods, including solvent-based and solvent-free extraction; and

(iii) post-processing procedures;

(f) notice and contested case hearing procedures for fines or license and endorsement revocations, suspensions, or modifications;

(g) implementation of a system to allow the tracking of marijuana and marijuana products as required by 16-12-105;

(h) labeling and packaging standards that protect public health by requiring the listing of pharmacologically active ingredients, including but not limited to THC, cannabidiol (CBD) and other cannabinoid content, the THC and other cannabinoid amount in milligrams per serving, the number of servings per package, and quantity limits per sale to comply with the allowable possession amount;

(i) investigating and making rules to limit, if necessary, the appropriate THC potency percentages for marijuana and marijuana products;

(j) requirements that packaging and labels may not be made to be attractive to children, that they have required warning labels as set forth in 16-12-215, and that marijuana and marijuana products be sold in resealable, child-resistant exit packaging to protect public health as provided in 16-12-208;

(k) requirements and standards for the testing and retesting of marijuana and marijuana products, including testing of samples collected during the department's inspections of licensed premises;

(l) the amount of variance allowable in the results of raw testing data that would warrant a departmental investigation of inconsistent results as provided in 16-12-202;

(m) requirements and standards to prohibit or limit marijuana, marijuana products, and marijuana accessories that are unsafe or contaminated;

(n) the activities that constitute advertising in violation of 16-12-211 and requirements and standards for electronic advertising as permitted under 16-12-211;

(o) requirements and incentives to promote renewable energy, reduce water usage, and reduce packaging waste to maintain a clean and healthy environment in Montana;

(p) procedures for collecting and destroying samples of marijuana and marijuana products that fail to meet testing requirements pursuant to 16-12-209; ~~and~~

(q) implementation of the state's ban on synthetic cannabinoids and synthetic cannabinoid products, including but not limited to identifying what constitutes a synthetic cannabinoid and identifying the process by which synthetic cannabinoids are made; and

~~(q)~~*(r)* the fees for testing laboratories, the fingerprint-based and name-based background checks required under 16-12-129, employee certification, the marijuana transporter license, marijuana worker permits, and other fees necessary to administer and enforce the provisions of this chapter. The fees established by the department, taxes collected pursuant to Title 15, chapter 64, part 1, civil penalties imposed pursuant to this chapter, and the licensing fees established by rule and in part 2 of this chapter must be sufficient to offset the expenses of administering this chapter but may not exceed the amount necessary to cover the costs to the department of implementing and enforcing this chapter.

(2) The department may not adopt any rule or regulation that is unduly burdensome or undermines the purposes of this chapter.

(3) The department may consult or contract with other public agencies in carrying out its duties under this chapter."

Section 5. Section 16-12-117, MCA, is amended to read:

"**16-12-117. Synthetic ~~marijuana~~ *cannabinoid* products prohibited – restriction on sale of marijuana products.** (1) A person may not manufacture, process, *store,* or offer for sale a synthetic ~~marijuana~~ *cannabinoid or a synthetic cannabinoid* product.

(2) ~~Products containing or consisting of cannabinoids produced and processed for any type of consumption into a human body, whether marketed~~

~~as containing or consisting of cannabinoids or not, that exceed a THC concentration of 0.3%~~ *Marijuana and marijuana products* may only be sold by a manufacturer licensed under 16-12-222*, a cultivator licensed under 16-12-223,* or a dispensary licensed under 16-12-224 unless the products are authorized as a drug by the United States food and drug administration. Products under this section may not exceed the potency levels established in 16-12-224.

(3) ~~Products containing a THC concentration of 0.3% or less~~ *Hemp and hemp products* sold by any person ~~other than a licensed manufacturer under 16-12-222 or a licensed dispensary under 16-12-224~~ may not exceed 0.5 milligrams of *total delta-9* THC for each serving and may not exceed 2 milligrams *of total delta-9 THC* per package.

(4) This section does not apply to unadulterated hemp flower that is not further processed into extracts, infused products, or concentrates."

Section 6. Section 16-12-208, MCA, is amended to read:

"**16-12-208. Restrictions.** (1) A cultivator or manufacturer may not cultivate marijuana or manufacture marijuana products in a manner that is visible from the street or other public area without the use of binoculars, aircraft, or other optical aids.

(2) A cultivator or manufacturer may not cultivate, process, test, or store marijuana at any location other than the licensed premises approved by the department and within an enclosed area that is secured in a manner that prevents access by unauthorized persons.

(3) A licensee shall make the licensed premises, books, and records available to the department for inspection and audit under 16-12-210 during normal business hours.

(4) A licensee may not allow a person under 18 years of age to volunteer or work for the licensee.

(5) Edible marijuana products manufactured as candy may not be sold in shapes or packages that are attractive to children or that are easily confused with commercially sold candy that does not contain marijuana.

(6) (a) Marijuana or marijuana products must be sold or otherwise transferred in resealable, child-resistant exit packaging that complies with federal child resistance standards and is designed to be significantly difficult for children under 5 years of age to open and not difficult for adults to use properly.

(b) (i) Packaging of individual products may contain only the following design elements and language on a white label:

(A) the seller's business name and any accompanying logo or design mark;

(B) the name of the product; and

(C) the THC content or CBD content, health warning messages as provided in 16-12-215, and ingredients.

(ii) All packaging and outward labeling, including business logos and design marks, must also comply with any standards or criteria established by the department, including but not limited to allowable symbols and imagery.

(7) An adult-use dispensary or medical marijuana dispensary may not sell or otherwise transfer hemp flower, hemp plants, synthetic cannabinoids*, synthetic cannabinoid products*, or alcohol from a licensed premises.

(8) (a) Prior to selling, offering for sale, or transferring marijuana or marijuana product that is for ultimate sale to a consumer or registered cardholder, a licensee or license applicant shall submit both a package and a label application, in a form prescribed by the department, to receive approval from the department.

(b) The initial submission must be made electronically if required by the department. The licensee or license applicant shall submit a physical prototype upon request by the department.

(c) If a license applicant submits packages and labels for preapproval, final determination for packages and labels may not be made until the applicant has been issued a license.

(d) A packaging and label application must include:

(i) a fee provided for in rule by the department;

(ii) documentation that all exit packaging has been certified as child-resistant by a federally qualified third-party child-resistant package testing firm;

(iii) a picture or rendering of and description of the item to be placed in each package; and

(iv) for label applications for inhalable marijuana products that contain nonmarijuana additives:

(A) the nonmarijuana additive's list of ingredients; and

(B) in a form and manner prescribed by the department, information regarding the additive or additives and the manufacturer of the additive or additives.

(9) For the purpose of this section, "exit packaging" means a sealed, child-resistant certified receptacle into which marijuana or marijuana products already within a container are placed at the retail point of sale."

Section 7. Section 16-12-305, MCA, is amended to read:

"**16-12-305. Enforcement -- ordinances -- investigations -- injunctions -- violation.** (1) A local government may, by ordinance or otherwise, impose regulations regarding products under 16-12-117(1) and (3).

(2) The department of agriculture, the department of justice, the department of public health and human services, local sheriff departments, municipal police departments, a county attorney's office, and the department of revenue may ~~inspect~~ *investigate* any business to ~~investigate~~ *determine whether it is engaged in* unlawful activity under 16-12-117~~(1)~~.

(3) (a) If an investigation results in reasonable cause to believe that a violation of 16-12-117 occurred, the investigating agency may issue a cease and desist order to be served pursuant to Rule 4, M.R.Civ.P. The order is effective upon service. Proof of service constitutes notice to the person of the existence and contents of the order.

(b) The investigating agency may assess a penalty of not more than $1,000 per day for each day a cease and desist order issued under this section is violated. Fifty percent of the penalty must be deposited into the healing and ending addiction through recovery and treatment account under 16-12-122, and the remainder must be deposited in the marijuana state special revenue account under 16-12-111.

(4) (a) The investigating agency may institute and maintain in the name of the state an action for injunction or another civil remedy in district court to enforce a cease and desist order under this section. Proof of inadequacy of a legal remedy or proof of substantial or irreparable damage from continued violation is not required. It is sufficient to charge that the person engaged in the unlawful conduct subject to 16-12-117 on a certain day in a certain county without averring further or more particular facts concerning the violation.

(b) The ~~department~~ *investigating agency* is entitled to its costs, including the costs of investigation and attorney fees, incurred in seeking a district court order under this section.

(c) A person who knowingly or purposely violates a district court injunction under this section is guilty of a felony and subject to the penalties set forth in 46-18-213.

(5) An officer, agent, partner, or member of a business entity who knowingly and personally participates in a violation of this section is subject to the penalties prescribed in this section.

(6) The remedies provided for in this section are in addition to and do not limit the remedies and actions otherwise permitted or required by law.

(7) A violation of 16-12-117(1) *or (2)* may be enforced under:

(a) criminal distribution of dangerous drugs as defined in 45-9-101;

(b) criminal possession of dangerous drugs as defined in 45-9-102; or

(c) criminal production or manufacture of dangerous drugs as defined in 45-9-110."

Section 8. Section 45-5-623, MCA, is amended to read:

"**45-5-623. Unlawful transactions with children.** (1) Except as provided for in 16-6-305, a person commits the offense of unlawful transactions with children if the person knowingly:

(a) sells or gives explosives to a child except as authorized under appropriate city ordinances;

(b) sells or gives intoxicating substances other than alcoholic beverages to a child;

(c) sells or gives an alcoholic beverage to a person under 21 years of age;

(d) sells or gives to a child a tobacco product, alternative nicotine product, or vapor product, as defined in 16-11-302;

(e) sells or gives to a child a synthetic ~~marijuana~~ *cannabinoid* product, as defined in 16-12-102;

(f) being a junk dealer, pawnbroker, or secondhand dealer, receives or purchases goods from a child without authorization of the parent or guardian; or

(g) tattoos or provides a body piercing on a child without the explicit in-person consent of the child's parent or guardian. For purposes of this subsection (1)(g), "tattoo" and "body piercing" have the meaning provided in 50-48-102. Failure to adequately verify the identity of a parent or guardian is not an excuse for violation of this subsection (1)(g).

(2) A person convicted of the offense of unlawful transactions with children shall be fined an amount not to exceed $500 or be imprisoned in the county jail for any term not to exceed 6 months, or both. A person convicted of a second offense of unlawful transactions with children shall be fined an amount not to exceed $1,000 or be imprisoned in the county jail for any term not to exceed 6 months, or both. (See compiler's comments for contingent termination of certain text.)"

Section 9. Effective date. [This act] is effective on passage and approval.

Approved April 7, 2025

CHAPTER NO. 101

[HB 68]

AN ACT AUTHORIZING COUNTY COMMISSIONERS TO INITIATE MANDAMUS PROCEEDINGS; AND AMENDING SECTIONS 7-4-2110 AND 27-26-206, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 7-4-2110, MCA, is amended to read:

"**7-4-2110. Supervision of county and other officers.** *(1)* The board of county commissioners has jurisdiction and power, under the limitations and restrictions that are prescribed by law, to:

~~(1)~~*(a)* supervise the official conduct of all county officers and officers of all districts and other subdivisions of the county charged with assessing, collecting, safekeeping, managing, or disbursing public revenue;

~~(2)~~*(b)* see that the officers faithfully perform their duties;

~~(3)~~*(c)* direct prosecutions for delinquencies;

~~(4)~~*(d)* when necessary, require the officers to renew their official bonds, make reports, and present their books and accounts for inspection; ~~and~~

~~(5)~~*(e)* require the officers to supervise staff in a manner that complies with personnel policies and procedures adopted by the county governing body~~.~~*;*

(f) initiate civil proceedings to seek a writ of mandamus to compel or enjoin the performance of an act by a local government entity within the county or any member of its governing body; and

(g) hire outside counsel to litigate a proceeding seeking a writ of mandamus and recover attorney fees and costs as determined by a court.

(2) (a) Except as provided in subsection (2)(b), as used in this section, "local government entity" has the meaning provided in 2-7-501.

(b) The term does not include a county, consolidated city-county, incorporated city or town, or school district."

Section 2. Section 27-26-206, MCA, is amended to read:

"**27-26-206. Enforcement of writ -- penalty.** *(1)* When a peremptory mandate has been issued and directed to any lower tribunal, corporation, board, or person, if it appear to the court or judge that any member of the tribunal, corporation, board, or person upon whom the writ has been personally served has, without just excuse, refused or neglected to obey the writ, the court may, upon motion, impose a fine not exceeding $1,000. In case of persistence in a refusal of obedience, the court may order the party to be imprisoned until the writ is obeyed and may make any orders necessary and proper for the complete enforcement of the writ.

(2) When a party is an elected or appointed official and is found in contempt pursuant to 3-1-501 for not complying with a writ of mandamus, the official may be subject to recall pursuant to the provisions of Title 2, chapter 16, part 6."

Approved April 7, 2025

CHAPTER NO. 102

[HB 82]

AN ACT GENERALLY REVISING CRIMES AGAINST CHILDREN; CREATING THE OFFENSE OF GROOMING OF A CHILD FOR A SEXUAL OFFENSE; REVISING CERTAIN CRIMES TO INCLUDE A LAW ENFORCEMENT OFFICER WHOM THE OFFENDER BELIEVED TO BE A CHILD; REVISING THE OFFENSE OF SEXUAL ABUSE OF CHILDREN TO INCLUDE COMPUTER-GENERATED CHILD PORNOGRAPHY; ADDING THE OFFENSE OF GROOMING OF A CHILD FOR A SEXUAL OFFENSE TO THE DEFINITION OF SEXUAL OFFENSE; AMENDING SECTIONS 45-5-504, 45-5-601, 45-5-625, 45-5-711, 45-8-201, 46-23-502, AND 46-23-509, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Grooming of child for sexual offense. (1) A person commits the offense of grooming of a child for a sexual offense if the person purposely or knowingly engages in a pattern of grooming behavior, including in-person or electronic communication, aimed at a child or the child's guardian with the intent to:

(a) manipulate the child into engaging in sexual conduct, actual or simulated;

(b) coerce or entice a child under 16 years of age to meet in person to engage in sexual conduct, actual or simulated;

(c) distribute or facilitate access to sexually explicit material; or

(d) exploit a position of authority to develop an intimate or secretive relationship with a minor.

(2) (a) Except as provided in subsection (2)(b) or subsection (3), a person convicted of the offense of grooming of a child for a sexual offense shall be imprisoned in the state prison for a term not to exceed 10 years and may be fined not more than $10,000.

(b) If the victim is under 16 years of age, a person convicted of the offense of grooming of a child for a sexual offense shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 4 years or more than 100 years and may be fined not more than $10,000.

(3) (a) If the victim was 12 years of age or younger and the offender was 18 years of age or older at the time of the offense, the offender:

(i) shall be punished by imprisonment in the state prison for a term of 100 years. The court may not suspend execution or defer imposition of the first 25 years of a sentence of imprisonment imposed under this subsection (3)(a)(i) except as provided in 46-18-222(1) through (5), and during the first 25 years of imprisonment, the offender is not eligible for parole. The exception provided in 46-18-222(6) does not apply.

(ii) may be fined an amount not to exceed $50,000; and

(iii) shall be ordered to enroll in and successfully complete the educational phase and the cognitive and behavioral phase of a sexual offender treatment program provided or approved by the department of corrections.

(b) If the offender is released after the mandatory minimum period of imprisonment, the offender is subject to supervision by the department of corrections for the remainder of the offender's life and shall participate in the program for continuous, satellite-based monitoring provided for in 46-23-1010.

(4) As used in this section, the following definitions apply:

(a) "Electronic communication" means a sign, a signal, writing, an image, a sound, data, or intelligence of any nature transmitted or created in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system.

(b) "Grooming" means behavior that seeks to prepare, induce, or persuade a minor to engage in sexual activity or other forms of exploitation, even if no meeting or sexual act is completed. It is the deliberate act of establishing an emotional connection with a minor through manipulation, trust-building, or influence to facilitate future sexual abuse or exploitation. This includes online or in-person activities, use of third parties, or indirect methods to facilitate the manipulation of a child.

(c) "Sexual conduct" means:

(i) actual or simulated:

(A) sexual intercourse, whether between persons of the same or opposite sex, as defined in 1-1-201;

(B) penetration of the vagina or rectum by any object, except when done as part of a recognized medical procedure;

(C) bestiality;

(D) masturbation;

(E) sadomasochistic abuse;

(F) lewd exhibition of the genitals, breasts, pubic or rectal area, or other intimate parts of a person; or

(G) defecation or urination for the purpose of the sexual stimulation of the viewer; or

(ii) the depiction or observation of a child in the nude or in a state of partial undress with the purpose to abuse, humiliate, harass, or degrade the child or to arouse or gratify the person's own sexual response or desire or the sexual response or desire of any person.

(d) "Simulated" means any depiction of the genitals or pubic or rectal area that gives the appearance of sexual conduct or incipient sexual conduct.

Section 2. Section 45-5-504, MCA, is amended to read:

"**45-5-504. Indecent exposure.** (1) A person commits the offense of indecent exposure if the person knowingly or purposely exposes the person's genitals or intimate parts by any means, including electronic communication as defined in 45-5-625(5)(a), under circumstances in which the person knows the conduct is likely to cause affront or alarm in order to:

(a) abuse, humiliate, harass, or degrade another; or

(b) arouse or gratify the person's own sexual response or desire or the sexual response or desire of any person.

(2) (a) A person convicted of the offense of indecent exposure shall be fined an amount not to exceed $500 or be imprisoned in the county jail for a term of not more than 6 months, or both.

(b) On a second conviction, the person shall be fined an amount not to exceed $1,000 or be imprisoned in the county jail for a term of not more than 1 year, or both.

(c) On a third or subsequent conviction, the person shall be fined an amount not to exceed $10,000 or be imprisoned in a state prison for a term of not more than 10 years, or both.

(3) (a) A person commits the offense of indecent exposure to a minor if the person commits an offense under subsection (1) and the person knows the conduct will be observed by a person who is under 16 years of age *or a person, including a law enforcement officer using an undercover or fictitious identity, whom the offender believes to be a child who is under 16 years of age* and the offender is more than 4 years older than the victim *or purported victim*.

(b) A person convicted of the offense of indecent exposure to a minor shall be fined an amount not to exceed $50,000 or be imprisoned in the state prison for a term of not less than 4 years, unless the judge makes a written finding that there is good cause to impose a term of less than 4 years and imposes a term of less than 4 years, or more than 100 years, or both."

Section 3. Section 45-5-601, MCA, is amended to read:

"**45-5-601. Prostitution -- patronizing prostitute -- exception.** (1) Except as provided in subsection (2)(a), the offense of prostitution is committed if a person engages in or agrees or offers to engage in sexual intercourse or sexual contact that is direct and not through clothing with another person for compensation, whether the compensation is received or to be received or paid or to be paid.

(2) (a) A prostitute may be convicted of prostitution only if the prostitute engages in or agrees or offers to engage in sexual intercourse with another person for compensation, whether the compensation is received or to be received or paid or to be paid. A prostitute who is convicted of prostitution may

be fined an amount not to exceed $500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

(b) A patron may be convicted of patronizing a prostitute if the patron engages in or agrees or offers to engage in sexual intercourse or sexual contact that is direct and not through clothing with another person for compensation, whether the compensation is received or to be received or paid or to be paid. Except as provided in subsection (3), a patron who is convicted of prostitution shall for the first offense be fined an amount not to exceed $5,000 or be imprisoned for a term not to exceed 5 years, or both, and for a second or subsequent offense shall be fined an amount not to exceed $10,000 or be imprisoned for a term not to exceed 10 years, or both.

(3) (a) If the person patronized was a child*, whether or not the patron was aware of the child's age, or a person, including a law enforcement officer using an undercover or fictitious identity, whom the patron believed was a child* and the patron was 18 years of age or older at the time of the offense, ~~whether or not the patron was aware of the child's age,~~ the patron offender:

(i) shall be punished by imprisonment in a state prison for a term of 100 years. The court may not suspend execution or defer imposition of the first 25 years of a sentence of imprisonment imposed under this subsection (3)(a)(i) except as provided in 46-18-222, and during the first 25 years of imprisonment, the offender is not eligible for parole.

(ii) may be fined an amount not to exceed $50,000; and

(iii) shall be ordered to enroll in and successfully complete the educational phase and the cognitive and behavioral phase of a sexual offender treatment program provided or approved by the department of corrections.

(b) If the offender is released after the mandatory minimum period of imprisonment, the offender is subject to supervision by the department of corrections for the remainder of the offender's life and shall participate in the program for continuous, satellite-based monitoring provided for in 46-23-1010.

(4) It is not a violation of this section for a person with an impaired physical ability, physical dysfunction, recent injury, or other disability to engage in sex therapy with a partner surrogate who is working under the supervision of a clinical social worker, marriage and family therapist, or clinical professional counselor licensed under Title 37, chapter 39.

(5) It is not a defense in a prosecution under this section that a child consented to engage in sexual activity.

(6) It is not a defense in a prosecution under this section that a defendant believed the child was an adult. Absolute liability, as provided in 45-2-104, is imposed."

Section 4. Section 45-5-625, MCA, is amended to read:

"**45-5-625. Sexual abuse of children.** (1) A person commits the offense of sexual abuse of children if the person:

(a) knowingly employs, uses, or permits the employment or use of a child in an exhibition of sexual conduct, actual or simulated;

(b) knowingly photographs, films, videotapes, develops or duplicates the photographs, films, or videotapes, or records a child engaging in sexual conduct, actual or simulated;

(c) knowingly, by any means of communication, including electronic communication or in person, persuades, entices, counsels, coerces, encourages, directs, or procures a child under 16 years of age or ~~a person~~ *a person, including a law enforcement officer using an undercover or fictitious identity, whom* the offender believes to be a child under 16 years of age to engage in sexual conduct, actual or simulated, or to view sexually explicit material or acts for the purpose

of inducing or persuading a child to participate in any sexual activity that is illegal;

(d) knowingly processes, develops, prints, publishes, transports, distributes, sells, exhibits, or advertises any visual or print medium, including a medium by use of electronic communication in which a child is engaged in sexual conduct, actual or simulated;

(e) knowingly possesses any visual or print medium, including a medium by use of electronic communication *or any computer-generated child pornography* in which a child is engaged in sexual conduct, actual or simulated;

(f) finances any of the activities described in subsections (1)(a) through (1)(d) and (1)(g), knowing that the activity is of the nature described in those subsections;

(g) possesses with intent to sell any visual or print medium, including a medium by use of electronic communication in which a child is engaged in sexual conduct, actual or simulated;

(h) knowingly travels within, from, or to this state with the intention of meeting a child under 16 years of age or ~~a person~~ *a person, including a law enforcement officer using an undercover or fictitious identity, whom* the offender believes to be a child under 16 years of age in order to engage in sexual conduct, actual or simulated; ~~or~~

(i) knowingly coerces, entices, persuades, arranges for, or facilitates a child under 16 years of age or a *person, including a* ~~person~~ *law enforcement officer using an undercover or fictitious identity, whom* the offender believes to be a child under 16 years of age to travel within, from, or to this state with the intention of engaging in sexual conduct, actual or simulated*; or*

(j) knowingly threatens to release, exhibit, or distribute any image or video of a child engaging in sexual conduct, actual or simulated, in order to compel the child to provide additional images or videos of a child engaging in sexual conduct, obtain any item of value, or coerce a child to commit or facilitate any crime.

(2) (a) Except as provided in subsection (2)(b), (2)(c), or (4), a person convicted of the offense of sexual abuse of children shall be punished by life imprisonment or by imprisonment in the state prison for a term not to exceed 100 years and may be fined not more than $10,000.

(b) Except as provided in 46-18-219, if the victim is under 16 years of age *or is a person, including a law enforcement officer using an undercover or fictitious identity, whom the offender believes to be a child under 16 years of age*, a person convicted of the offense of sexual abuse of children shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 4 years or more than 100 years and may be fined not more than $10,000.

(c) Except as provided in 46-18-219, a person convicted of the offense of sexual abuse of children for the possession of material, as provided in subsection (1)(e), shall be fined not to exceed $10,000 or be imprisoned in the state prison for a term not to exceed 10 years, or both.

(3) An offense is not committed under subsections (1)(d) through (1)(g) if the visual or print medium is processed, developed, printed, published, transported, distributed, sold, possessed, or possessed with intent to sell, or if the activity is financed, as part of a sexual offender information or treatment course or program conducted or approved by the department of corrections.

(4) (a) If the victim was 12 years of age or younger *or is a person, including a law enforcement officer using an undercover or fictitious identity, whom the offender believed to be 12 years of age or younger* and the offender was 18 years of age or older at the time of the offense, the offender:

(i) shall be punished by imprisonment in a state prison for a term of 100 years. The court may not suspend execution or defer imposition of the first 25 years of a sentence of imprisonment imposed under this subsection (4)(a)(i) except as provided in 46-18-222(1) through (5), and during the first 25 years of imprisonment, the offender is not eligible for parole. The exception provided in 46-18-222(6) does not apply.

(ii) may be fined an amount not to exceed $50,000; and

(iii) shall be ordered to enroll in and successfully complete the educational phase and the cognitive and behavioral phase of a sexual offender treatment program provided or approved by the department of corrections.

(b) If the offender is released after the mandatory minimum period of imprisonment, the offender is subject to supervision by the department of corrections for the remainder of the offender's life and shall participate in the program for continuous, satellite-based monitoring provided for in 46-23-1010.

(5) It is not a defense to prosecution under this section that the perceived child is an adult or law enforcement officer.

~~(5)~~*(6)* As used in this section, the following definitions apply:

(a) "Computer-generated child pornography" means any visual depiction of:

(i) an actual minor that has been created, adapted, or modified to portray that minor engaged in prohibited sexual conduct;

(ii) an actual adult that has been created, adapted, or modified to portray that adult as a minor engaged in prohibited sexual conduct; or

(iii) an individual indistinguishable from an actual minor created by the use of artificial intelligence or other computer technology capable of processing and interpreting specific data inputs to portray that individual as a minor engaged in prohibited sexual conduct.

~~(a)~~*(b)* "Electronic communication" means a sign, signal, writing, image, sound, data, or intelligence of any nature transmitted or created in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system.

(c) "Indistinguishable", when used with respect to a visual depiction, means virtually indistinguishable, in that the visual depiction is such that an ordinary person viewing the visual depiction would conclude that the visual depiction is of an actual minor engaged in prohibited sexual conduct.

~~(b)~~*(d)* "Sexual conduct" means:

(i) actual or simulated:

(A) sexual intercourse, whether between persons of the same or opposite sex, as defined in 1-1-201;

(B) penetration of the vagina or rectum by any object, except when done as part of a recognized medical procedure;

(C) bestiality;

(D) masturbation;

(E) sadomasochistic abuse;

(F) lewd exhibition of the genitals, breasts, pubic or rectal area, or other intimate parts of any person; or

(G) defecation or urination for the purpose of the sexual stimulation of the viewer; or

(ii) depiction *or observation* of a child in the nude or in a state of partial undress with the purpose to abuse, humiliate, harass, or degrade the child or to arouse or gratify the person's own sexual response or desire or the sexual response or desire of any person.

~~(c)~~*(e)* "Simulated" means any depicting of the genitals or pubic or rectal area that gives the appearance of sexual conduct or incipient sexual conduct.

~~(d)~~*(f)* "Visual medium" means:

(i) any film, photograph, videotape, negative, slide, or photographic reproduction that contains or incorporates in any manner any film, photograph, videotape, negative, or slide; or

(ii) any disk, diskette, or other physical media that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen by telephone line, cable, satellite transmission, or other method."

Section 5. Section 45-5-711, MCA, is amended to read:

"**45-5-711. Child sex trafficking.** (1) A person commits the offense of child sex trafficking by purposely or knowingly:

(a) committing the offense of sex trafficking with a child; or

(b) recruiting, transporting, transferring, harboring, receiving, providing, obtaining, isolating, maintaining, enticing, or using a child*, or in the case of recruiting or enticing, a person, including a law enforcement officer using an undercover or fictitious identity, whom the offender believes to be a child,* for the purposes of commercial sexual activity.

(2) (a) A person convicted of the offense of child sex trafficking shall be imprisoned in the state prison for a term of 100 years. The court may not suspend execution or defer imposition of the first 25 years of a sentence of imprisonment imposed under this subsection (2)(a) except as provided in 46-18-222(1) through (4). During the first 25 years of imprisonment, the offender is not eligible for parole. The exceptions provided in 46-18-222(5) and (6) do not apply.

(b) In addition to the sentence of imprisonment imposed under subsection (2)(a), the offender:

(i) must be fined in the amount of $400,000; and

(ii) if released after the mandatory minimum period of imprisonment, is subject to supervision by the department of corrections for the remainder of the offender's life and shall participate in the program for continuous, satellite-based monitoring provided for in 46-23-1010.

(3) It is not a defense in a prosecution under this section:

(a) that a child consented to engage in commercial sexual activity; or

(b) that the defendant believed the child was an adult. Absolute liability, as provided in 45-2-104, is imposed."

Section 6. Section 45-8-201, MCA, is amended to read:

"**45-8-201. Obscenity.** (1) A person commits the offense of obscenity when, with knowledge of the obscene nature of the material, the person purposely or knowingly:

(a) sells, delivers, or provides or offers or agrees to sell, deliver, or provide any obscene writing, picture, record, or other representation or embodiment of the obscene to anyone under 18 years of age *or a person, including a law enforcement officer using an undercover or fictitious identity, whom the offender believes to be under 18 years of age*;

(b) presents or directs an obscene play, dance, or other performance, or participates in that portion of the performance that makes it obscene, to anyone under 18 years of age;

(c) publishes, exhibits, or otherwise makes available anything obscene to anyone under 18 years of age;

(d) performs an obscene act or otherwise presents an obscene exhibition of the person's body to anyone under 18 years of age;

(e) creates, buys, procures, or possesses obscene matter or material with the purpose to disseminate it to anyone under 18 years of age *or a person,*

including a law enforcement officer using an undercover or fictitious identity, whom the offender believes to be under 18 years of age; or

(f) advertises or otherwise promotes the sale of obscene material or materials represented or held out by the person to be obscene.

(2) A thing is obscene if:

(a) (i) it is a representation or description of perverted ultimate sexual acts, actual or simulated;

(ii) it is a patently offensive representation or description of normal ultimate sexual acts, actual or simulated; or

(iii) it is a patently offensive representation or description of masturbation, excretory functions, or lewd exhibition of the genitals; and

(b) taken as a whole the material:

(i) applying contemporary community standards, appeals to the prurient interest in sex;

(ii) portrays conduct described in subsection (2)(a)(i), (2)(a)(ii), or (2)(a)(iii) in a patently offensive way; and

(iii) lacks serious literary, artistic, political, or scientific value.

(3) In any prosecution for an offense under this section, evidence is admissible to show:

(a) the predominant appeal of the material and what effect, if any, it would probably have on the behavior of people;

(b) the artistic, literary, scientific, educational, or other merits of the material;

(c) the degree of public acceptance of the material in the community;

(d) the appeal to prurient interest or absence of that appeal in advertising or other promotion of the material; or

(e) the purpose of the author, creator, publisher, or disseminator.

(4) A person convicted of obscenity shall be fined at least $500 but not more than $1,000 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

(5) Cities, towns, counties, or school districts may adopt ordinances, resolutions, or policies that are more restrictive as to obscenity than the provisions of this section."

Section 7. Section 46-23-502, MCA, is amended to read:

"**46-23-502. Definitions.** As used in Title 45, chapter 5, part 3 and parts 5 through 7, 46-18-255, and this part, the following definitions apply:

(1) "Department" means the department of corrections provided for in 2-15-2301.

(2) "Foreign offenses" means a conviction for a sexual offense involving any of the conduct listed in this section that was obtained under the laws of Canada, the United Kingdom, Australia, or New Zealand, or under the laws of any foreign country when the United States department of state, in its country reports on human rights practices, has concluded that an independent judiciary generally or vigorously enforced the right to a fair trial in that country during the year in which the conviction was obtained.

(3) "Mental abnormality" means a congenital or acquired condition that affects the mental, emotional, or volitional capacity of a person in a manner that predisposes the person to the commission of one or more sexual offenses to a degree that makes the person a menace to the health and safety of other persons.

(4) "Municipality" means an entity that has incorporated as a city or town.

(5) "Personality disorder" means a personality disorder as defined in the fourth edition of the Diagnostic and Statistical Manual of Mental Disorders adopted by the American psychiatric association.

(6) "Predatory sexual offense" means a sexual offense committed against a stranger or against a person with whom a relationship has been established or furthered for the primary purpose of victimization.

(7) "Registration agency" means:

(a) if the offender resides in a municipality, the police department of that municipality; or

(b) if the offender resides in a place other than a municipality, the sheriff's office of the county in which the offender resides.

(8) (a) "Residence" means the location at which a person regularly resides, regardless of the number of days or nights spent at that location, that can be located by a street address, including a house, apartment building, motel, hotel, or recreational or other vehicle.

(b) The term does not mean a homeless shelter.

(9) "Sexual offender evaluator" means a person qualified under rules established by the department to conduct psychosexual evaluations of sexual offenders and sexually violent predators.

(10) (a) "Sexual offense" means any violation, attempt, solicitation, or conspiracy to commit a violation, or flight after the attempt or commission of the following:

(i) 45-5-301, unlawful restraint, if the victim is less than 18 years of age and the offender is not a parent of the victim;

(ii) 45-5-302, kidnapping, if the victim is less than 18 years of age and the offender is not a parent of the victim;

(iii) 45-5-303, aggravated kidnapping, if the victim is less than 18 years of age and the offender is not a parent of the victim;

(iv) 45-5-502(2)(c), (3), and (4), sexual assault;

(v) 45-5-503, sexual intercourse without consent;

(vi) 45-5-504(2)(c) and (3), indecent exposure;

(vii) 45-5-507, incest, if the victim is less than 18 years of age and the offender is 3 or more years older than the victim, or if the victim is 12 years of age or younger and the offender is 18 years of age or older at the time of the offense;

(viii) 45-5-508, aggravated sexual intercourse without consent;

(ix) 45-5-601(2)(b) and (3), prostitution;

(x) 45-5-622(2)(b)(ii), endangering the welfare of children;

(xi) 45-5-625, sexual abuse of children;

(xii) 45-5-627(1)(a), ritual abuse of a minor;

(xiii) 45-5-705, patronizing a victim of sex trafficking;

(xiv) 45-5-706, aggravated sex trafficking;

(xv) 45-5-711, child sex trafficking;

(xvi) 45-8-218, deviate sexual conduct; ~~or~~

(xvii) [section 1], grooming of a child for a sexual offense; or

~~(xvii)~~*(xviii)* any violation of a law of another state, a tribal government, the federal government, or the military or a foreign entity that is reasonably equivalent to a violation listed in subsections (10)(a)(i) through ~~(10)(a)(xvi)~~ *(10)(a)(xvii)* or for which the offender was required to register as a sexual offender after an adjudication or conviction.

(b) The term does not include the exceptions provided for in 45-5-501, 45-5-502, and 45-5-503.

(11) "Sexual or violent offender" means a person who has been convicted of or, in youth court, found to have committed or been adjudicated for a sexual or violent offense.

(12) "Sexually violent predator" means a person who:

(a) has been convicted of or, in youth court, found to have committed or been adjudicated for a sexual offense and who suffers from a mental abnormality or a personality disorder that makes the person likely to engage in predatory sexual offenses; or

(b) has been convicted of a sexual offense against a victim 12 years of age or younger and the offender is 18 years of age or older.

(13) "Transient" means an offender who has no residence.

(14) "Violent offense" means:

(a) any violation of or attempt, solicitation, or conspiracy to commit a violation of:

(i) 45-5-102, deliberate homicide;

(ii) 45-5-103, mitigated deliberate homicide;

(iii) 45-5-202, aggravated assault;

(iv) 45-5-206 (third or subsequent offense), partner or family member assault;

(v) 45-5-210(1)(b), (1)(c), or (1)(d), assault on a peace officer or judicial officer;

(vi) 45-5-212, assault on a minor;

(vii) 45-5-213, assault with a weapon;

(viii) 45-5-215, strangulation of a partner or family member;

(ix) 45-5-302 (if the victim is not a minor), kidnapping;

(x) 45-5-303 (if the victim is not a minor), aggravated kidnapping;

(xi) 45-5-401, robbery;

(xii) 45-6-103, arson; or

(xiii) 45-9-132, operation of unlawful clandestine laboratory; or

(b) any violation of a law of another state, a tribal government, the federal government, or the military or a foreign entity reasonably equivalent to a violation listed in subsection (14)(a)."

Section 8. Section 46-23-509, MCA, is amended to read:

"**46-23-509. Psychosexual evaluations and sexual offender designations.** (1) Prior to sentencing of a person convicted of a sexual offense, a sexual offender evaluator who has a license endorsement as provided for in 37-1-139 shall provide the court with a psychosexual evaluation report recommending one of the following levels of designation for the offender:

(a) level 1, the risk of a repeat sexual offense is low;

(b) level 2, the risk of a repeat sexual offense is moderate;

(c) level 3, the risk of a repeat sexual offense is high, there is a threat to public safety, and the sexual offender evaluator believes that the offender is a sexually violent predator.

(2) Upon sentencing the offender, the court shall:

(a) review the psychosexual evaluation report, any statement by a victim, and any statement by the offender;

(b) designate the offender as level 1, 2, or 3; and

(c) designate a level 3 offender as a sexually violent predator.

(3) An offender designated as a level 2 offender or given a level designation by another state, the federal government, or the department under subsection (5) that is determined by the court to be similar to level 2 may petition the sentencing court or the district court for the judicial district in which the offender resides to change the offender's designation if the offender has enrolled in and successfully completed the treatment phase of either the prison's sexual offender treatment program or of an equivalent program approved by the department. After considering the petition, the court may change the offender's risk level designation if the court finds by clear and convincing evidence that

the offender's risk of committing a repeat sexual offense has changed since the time sentence was imposed. The court shall impose one of the three risk levels specified in this section.

(4) If, at the time of sentencing, the sentencing judge did not apply a level designation to a sexual offender who is required to register under this part and who was sentenced prior to October 1, 1997, the department shall designate the offender as level 1, 2, or 3 when the offender is released from confinement.

(5) If an offense is covered by ~~46-23-502(10)(a)(xvii)~~ *46-23-502(10)(a)(xviii)*, the offender registers under 46-23-504(1)(c), and the offender was given a risk level designation after conviction by another state or the federal government, the department of justice may give the offender the risk level designation assigned by the other state or the federal government. All offenders convicted in another state or by the federal government who are not currently under the supervision of the department or the youth court and were not given a risk level designation after conviction shall provide to the department of justice all prior risk assessments and psychosexual evaluations done to evaluate the offender's risk to reoffend. Any offender without a risk assessment or psychosexual evaluation shall, at the offender's expense, undergo a psychosexual evaluation with a sexual offender evaluator who has a license endorsement as provided for in 37-1-139. The results of the psychosexual evaluation may be requested by the attorney general or a county attorney for purposes of petitioning a district court to assign a risk level designation.

(6) The lack of a fixed residence is a factor that may be considered by the sentencing court or by the department in determining the risk level to be assigned to an offender pursuant to this section.

(7) Upon obtaining information that indicates that a sexual offender who is required to register under this part does not have a level 1, 2, or 3 designation, the offender, the attorney general, the county attorney that prosecuted the offender and obtained a conviction for a sexual offense, or the county attorney for the county in which the offender resides may, at any time, petition the district court that sentenced the offender for a sexual offense or the district court for the judicial district in which the offender resides to designate the offender as level 1, 2, or 3. Upon the filing of the petition, the court may order a psychosexual evaluation report at the petitioner's expense, or order that the results of all prior psychosexual evaluations be provided to all parties. The court shall provide the offender with an opportunity for a hearing prior to designating the offender. The petitioner shall provide the offender, the attorney general, and the county attorney that prosecuted the offender with notice of the petition and notice of the hearing. As provided in 46-23-506(2)(d), petitions for relief from registration under this part must be filed in the appropriate Montana district court. Orders or other documents granting relief from registration requirements that originated in other jurisdictions are not valid in Montana."

Section 9. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 45, chapter 5, part 6, and the provisions of Title 45, chapter 5, part 6, apply to [section 1].

Section 10. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 11. Effective date. [This act] is effective July 1, 2025.

Approved April 7, 2025

CHAPTER NO. 103

[HB 89]

AN ACT PROVIDING A DEADLINE TO FILE A CLAIM FOR PROPERTY TAX RELIEF BASED ON A NATURAL DISASTER; AMENDING SECTION 15-16-611, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-16-611, MCA, is amended to read:

"**15-16-611. Reduction of property tax for property destroyed by natural disaster -- proration of taxes on replaced property.** (1) The department shall, upon showing by a taxpayer that some or all of the improvements on the taxpayer's real property, that a trailer or mobile home, or that personal property taxed under Title 15, chapter 6, part 1, has been destroyed to such an extent that the improvements or personal property has been rendered unsuitable for its previous use by natural disaster, adjust the taxable value on the property, accounting for the destruction.

(2) The county treasurer shall adjust the tax due and payable for the current year on the property under 15-16-102 or on personal property under 15-16-119 or 15-24-202 as provided in subsection (3) of this section.

(3) To determine the amount of tax due for destroyed property, the county treasurer shall:

(a) multiply the amount of tax levied and assessed on the original taxable value of the property for the year by the ratio that the number of days in the year that the property existed before destruction bears to 365; and

(b) multiply the amount of tax levied and assessed on the adjusted taxable value of the property for the remainder of the year by the ratio that the number of days remaining in the year after the destruction of the property bears to 365.

(4) This section does not apply to delinquent taxes owed on the destroyed property for a year prior to the year in which the property was destroyed.

(5) A taxpayer must file a claim for the adjustment to taxable value provided by this section within 2 years of the date of the destruction of the property by the natural disaster.

~~(5)~~*(6)* A taxpayer receiving a reduction in taxes on personal property under this section shall notify the department if the taxpayer replaces the destroyed personal property in the same tax year that the personal property was destroyed. The tax on the personal property replacing the destroyed personal property must be prorated according to the ratio that the number of days remaining in the year after the property was replaced bears to 365. A taxpayer who fails to notify the department within 30 days from the date of the replacement of the personal property is subject to the penalty prescribed in 15-1-303.

~~(6)~~*(7)* For the purposes of this section, "natural disaster" includes but is not limited to fire, flood, earthquake, or wind. A fire is considered a natural disaster regardless of the origin of the fire. However, if the taxpayer is convicted of arson for burning the property, property taxes may not be adjusted. If the taxes had already been adjusted prior to the conviction, the original amount must be collected."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved April 7, 2025

CHAPTER NO. 104

[HB 109]

AN ACT REVISING LAWS RELATING TO PROFESSIONAL LICENSING TO CORRECT ERRATA; REVISING STATUTORY CITATIONS FOR LICENSED SOCIAL WORKERS, PROFESSIONAL COUNSELORS, ADDICTION COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND BEHAVIORAL HEALTH PEER SUPPORT SPECIALISTS; AND AMENDING SECTION 28-2-724, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 28-2-724, MCA, is amended to read:

"**28-2-724. Prohibition of contracts that restrict practice -- applicability -- exceptions.** (1) A contract that creates or establishes the terms of employment, a partnership, or any other form of professional relationship with a health care provider described in subsection (2)~~,~~ may not restrict the right of the health care provider to:

(a) practice or provide services for which the provider is licensed, in any geographic area and for any period, after the termination of the employment, partnership, or other form of professional relationship;

(b) treat, advise, consult with, or establish a provider-patient relationship with any current patient of the employer or with a patient affiliated with a partnership or other form of professional relationship; or

(c) solicit or seek to establish a provider-patient relationship with any current patient of the employer or with a patient affiliated with a partnership or other form of professional relationship.

(2) The requirements of subsection (1) apply to contracts or agreements involving the following health care providers:

(a) a psychiatrist or addiction medicine physician licensed under Title 37, chapter 3;

(b) a psychologist licensed under Title 37, chapter 17;

(c) a social worker licensed under Title 37, chapter ~~22~~ *39*;

(d) a professional counselor licensed under Title 37, chapter ~~23~~ *39*;

(e) an addiction counselor licensed under Title 37, chapter ~~35~~ *39*;

(f) a marriage and family therapist licensed under Title 37, chapter ~~37~~ *39*; and

(g) a behavioral health peer support specialist licensed under Title 37, chapter ~~38~~ *39*.

(3) This section does not apply to a contract in connection with the sale and purchase of a practice."

Section 2. Directions to code commissioner. Section 37-23-104 is intended to be renumbered into Title 37, chapter 39.

Approved April 7, 2025

CHAPTER NO. 105

[HB 136]

AN ACT REVISING INSURANCE LAWS TO ALLOW INSURERS TO PROVIDE A BENEFIT OR PREMIUM REDUCTION TO A POLICYHOLDER FOR MEASURES TAKEN TO REDUCE THE RISK OF DAMAGE TO PROPERTY FROM FIRE, WIND, AND HAIL; PROVIDING THAT A BENEFIT OR PREMIUM REDUCTION DOES NOT CONSTITUTE A MIDTERM

PREMIUM INCREASE; REQUIRING AN INSURER TO DISCLOSE THE BENEFIT OR PREMIUM REDUCTION; AND AMENDING SECTIONS 33-15-1108, 33-16-203, AND 33-18-210, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Risk preventative measures for homeowners -- premium reduction -- fire, wind, and hail. (1) An insurer may provide a benefit or a premium reduction to a homeowner's insurance policyholder for preventative measures taken by the policyholder. Preventative measures include but are not limited to actions that reduce the risk of damage to property from fire, wind, or hail.

(a) Fire preventative measures include but are not limited to any of the following:

(i) using ignition-resistant, fire-resistive, or noncombustible building materials in construction, including noncombustible roofing or coating, exterior glazing for fire protection, and interior building materials designed to stop flame spread and prevent building collapse upon occupants and emergency service personnel;

(ii) maintaining an adequate outside water source;

(iii) providing annual confirmation, if requested by the insurer, that the insured has employed defensible space landscaping around the insured's structures;

(iv) keeping a border of at least 5 feet of nonflammable landscaping around the insured property;

(v) complying with any local, state, or federal fire prevention or community preparedness programs;

(vi) installing fire alarm or emergency alarm systems;

(vii) complying with the requirements of the International Wildland-Urban Interface Code if a building is located in a wildland-urban interface area; and

(viii) providing sufficient access to the property for firefighting equipment and authorized emergency vehicles as defined in 61-8-102.

(b) Wind and hail preventative measures include but are not limited to the following:

(i) using an industry-approved resistant roof shingle;

(ii) anchoring outdoor furniture;

(iii) pruning tree branches or otherwise providing landscaping that reduces potential damage to the insured property; and

(iv) installing protective coverings to avoid additional damage to the insured property.

(2) An insurer who provides a benefit or premium reduction as provided in this section must include the benefit or premium reduction in writing to the policyholder. A benefit or premium reduction provided by an insurer under this section does not constitute an illegal rebate under 33-18-210.

(3) For the purposes of this section, the following definitions apply:

(a) "Benefit" means a rebate, discount, abatement, credit, reduction of premium, or other advantage to the policyholder provided under the terms of a preventative measures agreement.

(b) "Policyholder" means a person who is the named insured in a homeowner's insurance policy.

Section 2. Section 33-15-1108, MCA, is amended to read:

"**33-15-1108. Limitation on midterm premium increases.** (1) In any case involving property or casualty insurance that is subject to this part, the insurer may not unilaterally increase the rate charged or decrease the coverage provided for the contract period unless:

(a) there is a change in risk during that period because of the addition or removal of persons or property that was included in the rate at last renewal;

(b) the risk was misrepresented by the insured; or

(c) the insured requests a policy change that increases the rate because of that specific request.

(2) This section does not prohibit the cancellation of a policy for any other reason permitted by the policy or by law during an initial policy period not to exceed 60 days.

(3) This section does not prohibit an insurer from providing a benefit or premium reduction relating to preventative measures taken by a policyholder under [section 1]."

Section 3. Section 33-16-203, MCA, is amended to read:

"**33-16-203. Rates filed.** (1) Every insurer, rating organization, or advisory organization shall file with the commissioner all rates intended for use within this state, together with supporting data sufficient to substantiate the filing. The filing required by this subsection may be made by rating organizations on behalf of their members and subscribers. However, this provision does not prohibit a member or subscriber from filing rates on its own behalf. Any deviations from a rating organization's rates by a member or subscriber must be filed with the commissioner and must be accompanied by supporting data.

(2) Rates filed must provide for a premium reduction to:

(a) qualified insured operators *who are* 55 years of age or older in accordance with 33-16-222; or

(b) qualified members of the Montana national guard in accordance with 33-16-230.

(3) Rates filed may provide a benefit or premium reduction for preventative measures taken by the insured for homeowner's insurance under [section 1]."

Section 4. Section 33-18-210, MCA, is amended to read:

"**33-18-210. Unfair discrimination and rebates prohibited for title, property, casualty, or surety insurance -- exceptions -- limitations.** (1) Except as provided in subsections (3), (4), and (11)(a), a title, property, casualty, or surety insurer or an employee, representative, or insurance producer of an insurer may not, as an inducement to purchase insurance or after insurance has been effected, pay, allow, or give or offer to pay, allow, or give, directly or indirectly, a:

(a) rebate, discount, abatement, credit, or reduction of the premium named in the insurance policy;

(b) special favor or advantage in the dividends or other benefits to accrue on the policy; or

(c) valuable consideration or inducement not specified in the policy, except to the extent provided for in an applicable filing with the commissioner as provided by law.

(2) Except as provided in subsections (3), (4), and (11)(a), an insured named in a policy or an employee of the insured may not knowingly receive or accept, directly or indirectly~~, a~~:

(a) *a* rebate, discount, abatement, credit, or reduction of premium;

(b) *a* special favor or advantage; or

(c) *a* valuable consideration or inducement.

(3) The prohibitions in subsections (1) and (2) do not apply to a benefit provided for by a telematics agreement as provided in 33-23-221 through 33-23-226 *or a benefit or premium reduction for preventative measures taken by the insured for homeowner's insurance under [section 1].*

(4) The prohibitions under subsections (1) and (2) do not apply to an active, retired, or honorably separated member of the United States armed forces as described in 33-18-217(1)(a) or to a spouse, surviving spouse, dependent, or heir of a United States armed forces member as provided in 33-18-217.

(5) An insurer may not make or permit unfair discrimination in the premium or rates charged for insurance, in the dividends or other benefits payable on insurance, or in any other ~~of the~~ terms and conditions of the insurance either between insureds or property having like insuring or risk characteristics or between insureds because of race, color, creed, religion, or national origin.

(6) This section may not be construed as prohibiting the payment of commissions or other compensation to licensed insurance producers or as prohibiting an insurer from allowing or returning lawful dividends, savings, or unabsorbed premium deposits to its participating policyholders, members, or subscribers.

(7) An insurer may not make or permit unfair discrimination between individuals or risks of the same class and of essentially the same hazards by refusing to issue, refusing to renew, canceling, or limiting the amount of insurance coverage on a property or casualty risk because of the geographic location of the risk~~,~~ unless:

(a) the refusal, cancellation, or limitation is for a business purpose that is not a mere pretext for unfair discrimination; or

(b) the refusal, cancellation, or limitation is required by law or regulatory mandate.

(8) An insurer may not make or permit unfair discrimination between individuals or risks of the same class and of essentially the same hazards by refusing to issue, refusing to renew, canceling, or limiting the amount of insurance coverage on a residential property risk or on the personal property contained in the residential property~~,~~ because of the age of the residential property~~,~~ unless:

(a) the refusal, cancellation, or limitation is for a business purpose that is not a mere pretext for unfair discrimination; or

(b) the refusal, cancellation, or limitation is required by law or regulatory mandate.

(9) An insurer may not refuse to insure, refuse to continue to insure, or limit the amount of coverage available to an individual because of the sex or marital status of the individual. However, an insurer may take marital status into account for the purpose of defining persons eligible for dependents' benefits.

(10) An insurer may not terminate or modify coverage or refuse to issue or refuse to renew a property or casualty policy or contract of insurance solely because the applicant or insured or any employee of either is mentally or physically impaired. However, this subsection does not apply to accident and health insurance sold by a casualty insurer, and this subsection may not be interpreted to modify any other provision of law relating to the termination, modification, issuance, or renewal of any insurance policy or contract.

(11) (a) An insurer may not refuse to insure, refuse to continue to insure, charge higher rates, or limit the amount of coverage available to an individual under a private passenger automobile policy based solely on adverse information contained in an individual's claims history and driving record that is 3 years old or older. An insurer may provide discounts to an insured under a private passenger automobile policy based on favorable aspects of an insured's claims history.

(b) An insurer may not refuse to insure, refuse to continue to insure, charge higher rates, or limit the amount of coverage available under a commercial automobile policy based solely on adverse information contained in the loss

experience or an insured's driving records that is 5 years old or older. An insurer may provide discounts to an insured under a commercial automobile policy based on favorable aspects of an insured's claims history.

(c) An insurer may not refuse to insure, refuse to continue to insure, charge higher rates, or limit the amount of coverage available under a personal homeowner policy based solely on adverse information contained in the loss experience that is 7 years old or older. An insurer may provide discounts to an insured under a personal homeowner policy based on favorable aspects of an insured's claims history.

(d) As used in subsection (11)(a), "private passenger automobile policy" means an automobile insurance policy issued to individuals or families but does not include policies known as commercial automobile policies.

(e) As used in subsection (11)(c), "personal homeowner policy" means property insurance under 33-1-210 that is sold by an insurer for personal, family, or household purposes.

(12) An insurer may not charge points or surcharge a private passenger motor vehicle policy because of a claim submitted under the insured's policy if the insured was not at fault.

(13) (a) An insurer that provides personal lines insurance for an insured may not consider the insured's inquiries or claims made to any insurer that did not result in a payment by any insurer in considering an application for, renewal of, or change in an insurance policy as defined in 33-15-102.

(b) This subsection (13) does not apply to an insurer's consideration of a claim that was the basis for a criminal or civil insurance fraud action by a state or regulatory enforcement entity.

(c) (i) For the purposes of this subsection (13), the term "personal lines insurance" means vehicle insurance under 33-1-206(1)(a) and property insurance under 33-1-210 that is sold by an insurer for personal, family, or household purposes.

(ii) The term does not include disability insurance or insurance for commercial, business, or professional services, products, or activities."

Section 5. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 33, chapter 24, and the provisions of Title 33, chapter 24, apply to [section 1].

Approved April 7, 2025

CHAPTER NO. 106

[HB 144]

AN ACT REVISING MEMBERSHIP LAWS RELATED TO THE BUILDING CODES COUNCIL; INCREASING THE NUMBER OF MEMBERS ON THE COUNCIL AND DESIGNATING QUALIFICATIONS FOR THE ADDITIONAL MEMBER; AND AMENDING SECTION 50-60-115, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 50-60-115, MCA, is amended to read:

"**50-60-115. Building codes council -- purpose and structure.** (1) There is a building codes council for the purpose of assisting the department with the application, implementation, and interpretation of the state building code and building codes adopted by counties, cities, or towns. The council shall work cooperatively with the department and with representatives of the construction industry, as well as members of the interested public, to harmonize building codes and related rules with both the needs of the

construction industry and the public interest in efficiency, cost-effectiveness, and safety.

(2) The council consists of ~~12~~ *13* members appointed by the governor, unless otherwise specified, as follows:

(a) a practicing architect licensed in Montana;

(b) a practicing professional engineer licensed in Montana;

(c) a representative from the building contractor industry;

(d) a county, city, or town building inspector;

(e) a representative of the manufactured housing industry;

(f) a member of the general public who does not hold public office and who does not represent the same industry or agency as another council member;

(g) the director of the department of public health and human services or the director's designee;

(h) a licensed electrician selected by the state electrical board;

(i) a licensed plumber selected by the board of plumbers;

(j) a licensed elevator mechanic selected by the department;

(k) the state fire marshal or the fire marshal's designee; ~~and~~

(l) a representative of the home building industry*; and*

(m) a representative of the Montana state fire chiefs' association.

(3) The appointed council members serve at the pleasure of the governor for terms of 3 years.

(4) The council is allocated to the department for administrative purposes only as provided in 2-15-121.

(5) The council and its members are entitled to compensation as provided in 2-15-122."

Approved April 7, 2025

CHAPTER NO. 107

[HB 157]

AN ACT REVISING ALCOHOL LAWS RELATING TO THE RESPONSIBLE SERVER AND SALES TRAINING PROGRAM; REQUIRING TWO TRAINING PROGRAMS RELATED TO WHETHER THE SERVER IS EMPLOYED AT A LICENSED LOCATION WHERE ON-PREMISES CONSUMPTION OF ALCOHOL IS ALLOWED; REQUIRING THAT A PROGRAM FOR EMPLOYEES OF LICENSEES ONLY PROVIDING OFF-PREMISES CONSUMPTION MUST TAKE LESS TIME; AMENDING SECTION 16-4-1006, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 16-4-1006, MCA, is amended to read:

"**16-4-1006. Responsible server and sales training program.** (1) ~~The~~ *Subject to subsection (2), the* department shall certify all server and sales training programs that include the following:

(a) effects of alcohol on the human body;

(b) information, including criminal, civil, and administrative penalties, related to 27-1-710 and this code;

(c) procedures for checking identification;

(d) procedures for gathering proper documentation that may affect the licensee's liability;

(e) training for skills to handle difficult situations and to learn evaluation techniques regarding intoxicated persons or others that pose potential liability;

(f) a final test; and

(g) a certificate of completion, which must be provided to participants who pass the final test.

(2) The department shall certify two classes of training programs based on the nature of employment of the individual as follows:

(a) programs for employees of licensed locations that provide for on-premises consumption; and

(b) programs for employees of licensees that only provide for off-premises consumption. A training program under this subsection (2)(b) must be completed within at least half of the time for programs under subsection (2)(a).

~~(2)~~*(3)* The department may not provide a responsible server and sales training program."

Section 2. Effective date. [This act] is effective January 1, 2026.

Approved April 7, 2025

CHAPTER NO. 108

[HB 159]

AN ACT REVISING RURAL IMPROVEMENT DISTRICT LAWS; ALLOWING FOR A DISTRICT TO BE CREATED FOR THE MAINTENANCE OF EXISTING PUBLIC IMPROVEMENTS; ALLOWING FOR A PETITION TO CREATE A DISTRICT FOR THE PURPOSE OF MAINTAINING EXISTING IMPROVEMENTS; REMOVING THE REQUIREMENT FOR A PETITION WHEN ALL OWNERS OF PROPERTY WITHIN THE AREA OF A PROPOSED RURAL IMPROVEMENT DISTRICT HAVE WAIVED THEIR RIGHT TO PROTEST THE CREATION OF THE DISTRICT; AND AMENDING SECTIONS 7-12-2102, 7-12-2103, 7-12-2105, AND 7-12-2113, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 7-12-2102, MCA, is amended to read:

"**7-12-2102. Authorization to create rural improvement districts -- property owners may petition for creation.** (1) Whenever the public interest or convenience may require, the board of county commissioners may order and create special improvement districts outside of the limits of incorporated towns and cities for the purpose of *maintaining existing public improvements or* building, constructing, or acquiring by purchase one or more of the improvements of the kind described in 7-12-4102, in or for the benefit of the special improvement district.

(2) (a) Except as provided in subsection (2)(b), the board of county commissioners may order and create a special improvement district ~~upon~~ *on* the receipt of a petition to create a special improvement district that contains the consent of all of the owners of property to be included in the district.

(b) The board of county commissioners may order and create a special improvement district solely for the purpose of road maintenance*:*

(i) ~~upon~~ *on* the receipt of a petition to create the district that contains the consent of the owners of more than 85% of the area of the property proposed in the petition to be included in the district*; or*~~.~~

(ii) if all of the roads to be maintained are public improvements, on the receipt of a petition of more than 50% of the area of the property proposed in the petition to be included in the district.

(c) The property proposed to be included in the district *allowed in subsection (2)(b)* must be located in a residential subdivision, except that the owner

of property located outside of a residential subdivision may consent to the inclusion of the property in the proposed district.

(d) If all of the owners of property in the area proposed in the petition to be included in the district have waived their right to protest the creation of a rural improvement district, no petition is necessary, and the board of county commissioners may order and create the district.

(3) The board of county commissioners may order and create special improvement districts covering projects abutting the city limits and include properties inside the city where the rural improvement district abuts and benefits that property. Properties within the proposed district boundaries inside the city may not be included in the rural special improvement district if, under the assessment methodology provided in the resolution of intention, the owners of lots, tracts, or parcels in the city representing not less than 40% of the total projected assessments against properties in the city protest the creation of the rural special improvement district. The property inside the city must be treated in a similar manner as to improvements, notices, and assessments as the property outside the city limits. A joint resolution of the city and county must be passed agreeing to the terms of the rural special improvement district prior to passing the resolution of intention or resolution creating the rural special improvement district. A copy of the resolution of intention and the resolution creating the rural special improvement district must be provided to the city clerk ~~upon~~ *on* the passage of the respective resolutions."

Section 2. Section 7-12-2103, MCA, is amended to read:

"**7-12-2103. Resolution of intention to create rural improvement district.** (1) Before creating a special improvement district for the purpose of making any of the improvements*, maintaining existing public improvements,* or acquiring any private property for any purpose authorized by this part, the board of county commissioners shall pass a resolution of intention.

(2) The resolution must:

(a) designate the number of the district;

(b) describe the boundaries of the district;

(c) state in the resolution the general character of the improvements that are to be made;

(d) designate the name of the engineer who is to have charge of the work and an approximate estimate of the cost of the work;

(e) specify the method or methods by which the costs of the improvements will be assessed against property in the district; and

(f) if the method of assessment is that described in 7-12-2151(1)(d), specify that if an increase occurs in the number of benefited lots, tracts, or parcels within the boundaries of the district during the term of the bonded indebtedness, the assessment per lot, tract, or parcel then in the district will be recalculated as provided in 7-12-2151(4).

(3) The board of county commissioners may include, in one proceeding under one resolution of intention and in one contract, any of the different kinds of improvements or work provided for in this part and may include any number of streets and rights-of-way or portions of streets and rights-of-way, and it may exempt any of the work already done ~~upon~~ *on* a street to the official grade."

Section 3. Section 7-12-2105, MCA, is amended to read:

"**7-12-2105. Notice of resolution of intention to create district -- hearing -- exception.** (1) ~~Upon~~ *On* passage of a resolution of intention pursuant to 7-12-2103, the board of county commissioners shall publish notice of the passage as provided in 7-1-2121.

(2) A copy of the notice must be mailed, as provided in 7-1-2122, to each person, firm, or corporation or the agent of the person, firm, or corporation

owning real property within the proposed district listed in the owner's name ~~upon~~ *on* the last-completed assessment roll for state, county, and school district taxes.

(3) (a) The notice must describe the general character of the improvements proposed to be made or acquired by purchase, *identify the public improvements that will be improved or maintained,* state the estimated cost of the improvements, describe generally the method or methods by which the costs of the improvements will be assessed, and designate the time when and the place where the board will hear and pass ~~upon~~ *on* all protests that may be made against the making or maintenance of the improvements or the creation of the district. If the method of assessment described in 7-12-2151(1)(d) is used, the notice must state that if an increase occurs in the number of benefited lots, tracts, or parcels within the boundaries of the district during the term of the bonded indebtedness, the assessment per lot, tract, or parcel then in the district will be recalculated as provided in 7-12-2151(4).

(b) If the revolving fund is to be pledged to secure the payment of bonds and warrants, the notice must include a statement that, subject to the limitations in 7-12-2182:

(i) the county general fund may be used to provide loans to the revolving fund; or

(ii) a general tax levy may be imposed on all taxable property in the county to meet the financial requirements of the revolving fund.

(c) The notice must refer to the resolution on file in the office of the county clerk for the description of the boundaries. If the proposal is for the purchase of an existing improvement, the notice must state the exact purchase price of the existing improvement.

(4) The provisions of this section do not apply to a resolution of intention to create a district that is passed ~~upon~~ *on* receipt of a petition as provided in 7-12-2102(2)(a)."

Section 4. Section 7-12-2113, MCA, is amended to read:

"**7-12-2113. Resolution creating district -- power to order improvements.** (1) Before ordering any of the proposed improvements *or maintenance*, the board of county commissioners shall pass a resolution creating the special improvement district in accordance with the resolution of intention that is introduced and passed by the board.

(2) The board has jurisdiction to order improvements *or maintenance* immediately ~~upon~~ *on* the occurrence of the following conditions:

(a) when sufficient protests have not been delivered to the county clerk within 30 days after the date of the first publication of the notice of the passing of the resolution of intention;

(b) when a protest has been found by the board to be insufficient or has been overruled;

(c) when a protest against extending the proposed district has been heard and denied; or

(d) when a resolution creating the district is passed ~~upon~~ *on* receipt of a petition as provided in 7-12-2102(2)(a)."

Approved April 7, 2025

CHAPTER NO. 109

[HB 190]

AN ACT ESTABLISHING AMERICAN RODEO AS THE OFFICIAL STATE SPORT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. State sport. American rodeo is the official state sport.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 1, chapter 1, part 5, and the provisions of Title 1, chapter 1, part 5, apply to [section 1].

Section 3. Effective date. [This act] is effective on passage and approval.

Approved April 7, 2025

CHAPTER NO. 110

[HB 191]

AN ACT REVISING LAWS RELATED TO THE OFFENSE OF ENDANGERING THE WELFARE OF CHILDREN; PROVIDING THAT IT IS AN OFFENSE TO COMMIT CERTAIN CRIMES RELATED TO PARTNER OR FAMILY MEMBER ASSAULT IN THE PRESENCE OF A CHILD; PROVIDING A PENALTY; AMENDING SECTION 45-5-622, MCA; AND PROVIDING AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 45-5-622, MCA, is amended to read:

"**45-5-622. Endangering welfare of children.** (1) (a) A parent, guardian, or other person supervising the welfare of a child less than 18 years old commits the offense of endangering the welfare of children if the parent, guardian, or other person knowingly endangers the child's welfare by violating a duty of care, protection, or support.

(b) A parent or guardian of a child does not violate a duty of care, protection, or support by permitting the child to engage in independent activities consistent with the child's intellectual, emotional, and physical maturity, including:

(i) traveling to and from school by walking, running, bicycling, public transit, or other means;

(ii) traveling to and from nearby commercial or recreational facilities;

(iii) engaging in outdoor play;

(iv) remaining for less than 15 minutes in a vehicle if the temperature inside the vehicle is not or will not become dangerously hot or cold;

(v) remaining at home if the parent or guardian:

(A) returns home the same day on which the parent or guardian gives the child permission to remain at home;

(B) makes provisions for the child to contact the parent or guardian; and

(C) makes provisions for any reasonably foreseeable emergency.

(2) Except as provided in 16-6-305, a parent or guardian or any person who is 18 years of age or older, whether or not the parent, guardian, or other person is supervising the welfare of the child, commits the offense of endangering the welfare of children if the parent, guardian, or other person knowingly contributes to the delinquency of a child less than:

(a) 18 years old by:

(i) supplying or encouraging the use of an intoxicating substance by the child; or

(ii) assisting, promoting, or encouraging the child to enter a place of prostitution; or

(b) 16 years old by assisting, promoting, or encouraging the child to:

(i) abandon the child's place of residence without the consent of the child's parents or guardian; or

(ii) engage in sexual conduct.

(3) A person, whether or not the person is supervising the welfare of a child less than 18 years of age, commits the offense of endangering the welfare of children if the person, in the residence of a child, in a building, structure, conveyance, or outdoor location where a child might reasonably be expected to be present, in a room offered to the public for overnight accommodation, or in any multiple-unit residential building, knowingly:

(a) produces or manufactures methamphetamine or attempts to produce or manufacture methamphetamine;

(b) possesses any material, compound, mixture, or preparation that contains any combination of the items listed in 45-9-107 with intent to manufacture methamphetamine; or

(c) causes or permits a child to inhale, be exposed to, have contact with, or ingest methamphetamine or be exposed to or have contact with methamphetamine paraphernalia.

(4) (a) A person commits the offense of endangering the welfare of a child if the person also knowingly commits an offense identified in 45-5-202, 45-5-206, 45-5-213, or 45-5-215 against a partner or family member in the presence of a child less than 18 years of age.

(b) For the purposes of this subsection (4), the following definitions apply:

(i) "Family member" has the same meaning as provided in 45-5-206.

(ii) "In the presence of a child" means in the physical presence of a child or having knowledge that the child may see or hear an act listed in this subsection (4).

(iii) "Partner" has the same meaning as provided in 45-5-206.

(c) Only the predominant aggressor, as determined by 46-6-311, may be charged under this subsection (4).

(d) A charge under this subsection (4) is a separate offense and may be charged in addition to 45-5-202, 45-5-206, 45-5-213, or 45-5-215. Each child identified in subsection (4)(a) may form the basis for additional charges under this subsection (4).

(e) A person may be charged under this subsection (4) regardless of the child's relationship to the person.

~~(4)~~*(5)* A parent, guardian, or other person supervising the welfare of a child less than 16 years of age may verbally or in writing request a person who is 18 years of age or older and who has no legal right of supervision or control over the child to stop contacting the child if the requester believes that the contact is not in the child's best interests. If the person continues to contact the child, the parent, guardian, or other person supervising the welfare of the child may petition or the county attorney may upon the person's request petition for an order of protection under Title 40, chapter 15. To the extent that they are consistent with this subsection, the provisions of Title 40, chapter 15, apply. A person who purposely or knowingly violates an order of protection commits the offense of endangering the welfare of children and upon conviction shall be sentenced as provided in subsection ~~(5)(a)~~ *(6)(a)*.

~~(5)~~*(6)* (a) Except as provided in subsection ~~(5)(b)~~ *(6)(b) or (6)(c)*, a person convicted of endangering the welfare of children shall be fined an amount not

to exceed $500 or be imprisoned in the county jail for any term not to exceed 6 months, or both. A person convicted of a second offense of endangering the welfare of children shall be fined an amount not to exceed $1,000 or be imprisoned in the county jail for any term not to exceed 6 months, or both.

(b) A person convicted under subsection (3) is guilty of a felony and shall be imprisoned in the state prison for a term not to exceed 5 years and may be fined an amount not to exceed $10,000, or both. If a child suffers serious bodily injury, the offender shall be fined an amount not to exceed $25,000 or be imprisoned for a term not to exceed 10 years, or both. Prosecution or conviction of a violation of subsection (3) does not bar prosecution or conviction for any other crime committed by the offender as part of the same conduct.

(c) A person convicted under subsection (4) is guilty of a misdemeanor and shall be fined an amount not less than $100 or more than $1,000 and be imprisoned in the county jail not less than 72 hours or more than 1 year.

~~(6)~~*(7)* On the issue of whether there has been a violation of the duty of care, protection, and support, the following, in addition to all other admissible evidence, is admissible: cruel treatment; abuse; infliction of unnecessary and cruel punishment; abandonment; neglect; lack of proper medical care, clothing, shelter, and food; and evidence of past bodily injury.

~~(7)~~*(8)* The court may order, in its discretion, any fine levied or any bond forfeited upon a charge of endangering the welfare of children paid to or for the benefit of the person or persons whose welfare the defendant has endangered."

Section 2. Applicability. [This act] applies to offenses committed on or after [the effective date of this act].

Approved April 7, 2025

CHAPTER NO. 111

[HB 196]

AN ACT REVISING LAWS RELATED TO DIGITAL IDENTIFICATION; REVISING ALCOHOL SERVER AND SALES TRAINING TO INCLUDE TRAINING RELATED TO DIGITAL IDENTIFICATION CARDS; INCLUDING DIGITAL IDENTIFICATION CARDS AS A PROHIBITED FORM OF FRAUDULENT IDENTIFICATION; AND AMENDING SECTIONS 16-4-1006 AND 16-6-305, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 16-4-1006, MCA, is amended to read:

"**16-4-1006. Responsible server and sales training program.** (1) The department shall certify all server and sales training programs that include the following:

(a) effects of alcohol on the human body;

(b) information, including criminal, civil, and administrative penalties, related to 27-1-710 and this code;

(c) procedures for checking identification*, including government-certified digital identification cards*;

(d) procedures for gathering proper documentation that may affect the licensee's liability;

(e) training for skills to handle difficult situations and to learn evaluation techniques regarding intoxicated persons or others that pose potential liability;

(f) a final test; and

(g) a certificate of completion, which must be provided to participants who pass the final test.

(2) The department may not provide a responsible server and sales training program."

Section 2. Section 16-6-305, MCA, is amended to read:

"**16-6-305. Age limit for sale or provision of alcoholic beverages -- liability of provider.** (1) (a) Except in the case of an alcoholic beverage provided in a nonintoxicating quantity to a person under 21 years of age by the person's parent or guardian, physician or dentist for medicinal purposes, a licensed pharmacist upon the prescription of a physician, or an ordained minister or priest in connection with a religious observance, a person may not sell or otherwise provide an alcoholic beverage to a person under 21 years of age.

(b) A parent, guardian, or other person may not knowingly sell or otherwise provide an alcoholic beverage in an intoxicating quantity to a person under 21 years of age.

(c) For the purposes of this section, "intoxicating quantity" means a quantity of an alcoholic beverage that is sufficient to produce:

(i) a blood, breath, or urine alcohol concentration in excess of 0.05; or

(ii) substantial or visible mental or physical impairment.

(2) A person is guilty of a misdemeanor who:

(a) invites a person under the age of 21 years into a public place where an alcoholic beverage is sold and treats, gives, or purchases an alcoholic beverage for the person;

(b) permits the person in a public place where an alcoholic beverage is sold to treat, give, or purchase alcoholic beverages for the person; or

(c) holds out the person to be 21 years of age or older to the owner of the establishment or to the owner's employee.

(3) It is unlawful for any person to fraudulently misrepresent the person's age to any dispenser of alcoholic beverages or to falsely procure any identification card or to alter any of the statements contained in any identification card, including a tribal identification card *or a government-certified digital identification card*.

(4) A person 21 years of age or older who violates the provisions of subsection (1)(b) is, in addition to applicable criminal penalties, subject to civil liability for damages resulting from a tortious act committed by the person to whom the intoxicating substance was sold or provided if the act is judicially determined to be the result of the intoxicated condition created by the violation. (See compiler's comments for contingent termination of certain text.)"

Approved April 7, 2025

CHAPTER NO. 112

[HB 197]

AN ACT REVISING WORKERS' COMPENSATION LAWS RELATING TO TOTAL DISABILITY BENEFITS; PROVIDING GUIDELINES IN WHICH TEMPORARY TOTAL DISABILITY BENEFITS ARE TERMINATED WHEN A CLAIMANT IS RELEASED TO FULL DUTY PRIOR TO OR ON REACHING MAXIMUM MEDICAL IMPROVEMENT; PROVIDING THAT THE BENEFITS MAY BE TERMINATED AS OF THE DATE THAT A WORKER RETURNED TO FULL DUTY; AMENDING SECTION 39-71-609, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 39-71-609, MCA, is amended to read:

"**39-71-609. Denial of claim after payments made or termination of all benefits or reduction to partial benefits by insurer -- 14-day notice required -- criteria for conversion of benefits -- *claimant released to full duty.*** (1) Except as provided in ~~subsection~~ *subsections* (2) *and (3)*, if an insurer determines to deny a claim on which payments have been made under 39-71-608 during a time of further investigation or, after a claim has been accepted, terminates all biweekly compensation benefits, it may do so only after 14 days' written notice to the claimant, the claimant's authorized representative, if any, and the department. For injuries occurring prior to July 1, 1987, an insurer shall give 14 days' written notice to the claimant before reducing benefits from total to partial. However, if an insurer has knowledge that a claimant has returned to work, compensation benefits may be terminated as of the time the claimant returned to work.

(2) Temporary total disability benefits may be terminated on the date that the worker has been released to return to work in some capacity. Unless the claimant is found, at maximum healing, to be without a permanent physical impairment from the injury, the insurer, prior to converting temporary total disability benefits or temporary partial disability benefits to permanent partial disability benefits:

(a) must have a physician's determination that the claimant has reached medical stability;

(b) must have a physician's determination of the claimant's physical restrictions resulting from the industrial injury;

(c) must have a physician's determination, based on the physician's knowledge of the claimant's job analysis prepared by a rehabilitation provider, that the claimant can return to work, with or without restrictions, on the job on which the claimant was injured or on another job for which the claimant is suited by age, education, work experience, and physical condition;

(d) shall give notice to the claimant of the insurer's receipt of the report of the physician's determinations required pursuant to subsections (2)(a) through (2)(c). The notice must be attached to a copy of the report.

(3) Notwithstanding subsections (1) and (2), when a claimant is released to full duty prior to or on reaching maximum medical improvement, temporary total disability benefits may be terminated as of the time the claimant returned to work or after 14 days' written notice, whichever is earlier."

Section 2. Effective date. [This act] is effective July 1, 2025.

Approved April 7, 2025

CHAPTER NO. 113

[HB 214]

AN ACT PROVIDING FOR THE PROSECUTION OF STATE CRIMES AGAINST PERSONS THAT ARE SUBJECT TO FEDERAL IMMIGRATION DETENTION.

Be it enacted by the Legislature of the State of Montana:

Section 1. Criminal prosecution of persons subject to federal immigration detention -- notification to attorney general. (1) The state may initiate a criminal prosecution against a person who is subject or may be subject to federal detention for federal immigration violations for a violation of criminal law committed in this state.

(2) If a criminal prosecution has been instituted against a person under the laws of this state and is still pending, the state may surrender the person to

the federal government on demand for federal immigration violations or hold the person until the person has been tried and discharged or convicted and punished in this state.

(3) If a prosecutor is considering declining to prosecute a person described in subsection (1), the prosecutor shall notify the attorney general prior to making the final decision to decline prosecution to allow the attorney general time to initiate prosecution.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 46, chapter 1, part 1, and the provisions of Title 46, chapter 1, part 1, apply to [section 1].

Approved April 7, 2025

CHAPTER NO. 114

[HB 215]

AN ACT ELIMINATING GENDER AND RACIAL BALANCING FOR APPOINTMENTS BY BOARDS, COMMISSIONS, COMMITTEES, AND COUNCILS OF STATE GOVERNMENT; ELIMINATING REPORTING REQUIREMENTS; AND AMENDING SECTION 2-15-108, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-15-108, MCA, is amended to read:

"**2-15-108. ~~Gender and racial balance -- report to legislature~~ *Appointments and vacancies.*** ~~(1) As vacancies occur and appointments are made, all appointing authorities of all appointive boards, commissions, committees, and councils of state government shall take positive action to attain gender balance and proportional representation of minorities resident in Montana to the greatest extent possible.~~

~~(2) Pursuant to subsection (1), the~~ *The* secretary of state shall publish in the Montana Administrative Register on a monthly basis the recent appointments made by the executive branch and the upcoming vacancies on executive boards and commissions.

~~(3) The governor shall report to the legislature, as provided in 5-11-210, on the progress made toward achieving the goals set forth in this section.~~"

Approved April 7, 2025

CHAPTER NO. 115

[HB 249]

AN ACT REVISING DIGITAL IDENTIFICATION LAWS; INCLUDING DIGITAL VERSIONS OF LICENSES IN ALCOHOL, TOBACCO, AND MARIJUANA LAWS; AND AMENDING SECTIONS 16-3-313, 16-11-305, AND 16-12-104, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 16-3-313, MCA, is amended to read:

"**16-3-313. Periodic government or tribal-issued identification data destruction.** (1) A business that scans a ~~person's~~ *physical or digital version of a person's* government or tribal-issued identification to determine the person's age solely for the sale of age-restricted items:

(a) shall use data or metadata from the scan only to determine the person's age;

(b) may not transfer or sell that data or metadata to another party; and

(c) shall permanently delete any data or metadata from the scan within 180 days.

(2) Nothing in this section may be construed to limit the collection and preservation of information required by federal law for the sale of ephedrine or pseudoephedrine."

Section 2. Section 16-11-305, MCA, is amended to read:

"**16-11-305. Sale or distribution of tobacco products, alternative nicotine products, or vapor products to persons under 18 years of age prohibited.** (1) A person may not sell or distribute a tobacco product, alternative nicotine product, or vapor product to an individual under 18 years of age, whether over the counter, by vending machine, or otherwise.

(2) If there is a reasonable doubt as to the individual's age, the seller shall require presentation of a *physical or digital version of a* driver's license or other generally accepted identification that includes a picture of the individual.

(3) If the seller scans a *physical or digital version of a* person's government or tribal-issued identification, the seller shall handle data and metadata from the scan in accordance with 16-3-313."

Section 3. Section 16-12-104, MCA, is amended to read:

"**16-12-104. Department responsibilities -- licensure.** (1) The department shall establish and maintain a registry of persons who receive licenses under this chapter.

(2) (a) The department shall issue the following license types to persons who submit applications meeting the requirements of this chapter:

(i) cultivator license;

(ii) manufacturer license;

(iii) adult-use dispensary license or a medical marijuana dispensary license;

(iv) testing laboratory license.

(v) marijuana transporter license.

(vi) combined-use marijuana license.

(b) The department may establish other license types, subtypes, endorsements, and restrictions it considers necessary for the efficient administration of this chapter.

(3) A licensee may not cultivate hemp or engage in hemp manufacturing at a licensed premises.

(4) A person licensed to cultivate or manufacture marijuana or marijuana products is subject to the provisions contained in the Montana Pesticides Act provided for in Title 80, chapter 8.

(5) The department shall assess applications for licensure or renewal to determine if an applicant, controlling beneficial owner, or a person with a financial interest in the applicant meets any of the criteria established in this chapter for denial of a license.

(6) A license issued pursuant to this chapter must be displayed by the licensee as provided for in rule by the department.

(7) (a) Except as provided in subsection (8), the department shall review the information contained in an application or renewal submitted pursuant to this chapter and shall approve or deny an application:

(i) within 60 days of receiving the application or renewal and all related application materials from a former medical marijuana licensee or an existing licensee under this chapter; and

(ii) within 120 days of receiving the application and all related application materials from a new applicant.

(b) If the department fails to act on a completed application within the time allowed under subsection (7)(a), the department shall:

(i) reduce the cost of the licensing fee for a new applicant for licensure or endorsement or for a licensee seeking renewal of a license by 5% each week that the application is pending; and

(ii) allow a licensee to continue operation until the department takes final action.

(c) The department may not take final action on an application for a license or renewal of a license until the department has completed a satisfactory inspection as required by this chapter and related administrative rules.

(d) The department shall issue a license or endorsement within 5 days of approving an application or renewal.

(8) (a) The department may issue a probationary license under subsection (2)(a)(iv) only if:

(i) an applicant has completed the International Organization for Standardization application for assessment; and

(ii) there are no pending corrective actions to obtain International Organization for Standardization accreditation.

(b) A probationary license is valid for 180 days from the date of issue and may be renewed one time:

(i) if the application is denied after a good faith application effort; or

(ii) if the application remains pending International Organization for Standardization accreditation.

(c) If an applicant voluntarily closes the application process after receiving a probationary license, the applicant may not receive a second probationary license for 2 years.

(9) (a) Review of a rejection of an application or renewal may be conducted as a contested case hearing before the department's office of dispute resolution pursuant to the provisions of the Montana Administrative Procedure Act.

(b) A person may appeal any decision of the department of revenue concerning the issuance, rejection, suspension, or revocation of a license provided for by this chapter to the district court in the county in which the person operates or proposes to operate. If a person operates or seeks to operate in more than one county, the person may seek judicial review in the district court with jurisdiction over actions arising in any of the counties where it operates or seeks to operate.

(c) An appeal pursuant to subsection (9)(b) must be made by filing a complaint setting forth the grounds for relief and the nature of relief demanded with the district court within 30 days following receipt of notice of the department's final decision.

(10) Licenses issued under this chapter must be renewed annually.

(11) (a) The department shall provide the names and phone numbers of persons, including the names of controlling beneficial owners, licensed under this chapter and the city, town, or county where licensed premises are located to the public on the department's website. Except as provided in subsection (11)(b), the department may not disclose the physical location or address of a marijuana business.

(b) The department may share the physical location or address of a marijuana business with another state agency, political subdivision, and the state fire marshal.

(c) The name of a controlling beneficial owner is not considered confidential information as defined in 2-6-1002.

(12) The department may not prohibit a cultivator, manufacturer, or adult-use dispensary licensee operating in compliance with the requirements of this chapter from operating at a shared location with a medical marijuana dispensary.

(13) The department may not adopt rules requiring a consumer to provide a licensee with identifying information other than *physical or digital versions of* government-issued identification to determine the consumer's age. A licensee that scans a person's *physical or digital* driver's license using an electronic reader to determine the person's age:

(a) may only use data or metadata from the scan determine the person's age;

(b) may not transfer or sell that data or metadata to another party; and

(c) shall permanently delete any data or metadata from the scan within 180 days, unless otherwise provided for in this chapter or by the department.

(14) (a) Except as provided in subsection (14)(b), licenses issued by the department under this chapter are nontransferable.

(b) A licensee may sell its marijuana business, including live plants, inventory, and material assets, to a person who is licensed by the department under the provisions of this chapter. The department may, in its discretion, issue a temporary license to the acquiring party to facilitate the transfer of the licensee's marijuana business.

(15) A person who is not a controlling beneficial owner in a licensee may not receive or otherwise obtain an ownership interest in a licensee that results in the person becoming a controlling beneficial owner unless the licensee notifies, in writing, the department of the proposed transaction and the department determines that the person qualifies for ownership under the provisions of this chapter."

Approved April 7, 2025

CHAPTER NO. 116

[HB 257]

AN ACT GENERALLY REVISING CRITICAL INFRASTRUCTURE PROTECTION LAWS; DEFINING BROADBAND AND WIRED COMMUNICATIONS AS A CRITICAL INFRASTRUCTURE FACILITY; AND AMENDING SECTIONS 82-1-601 AND 82-1-602, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 82-1-601, MCA, is amended to read:

"**82-1-601. Definitions.** As used in 82-1-601 through 82-1-604, the following definitions apply:

(1) "Critical infrastructure" means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of the systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.

(2) "Critical infrastructure facility" means:

(a) one of the following~~, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are posted on the property that indicate that entry is forbidden without site authorization~~:

(i) a petroleum or alumina refinery;

(ii) an electric generating facility, substation, switching station, electrical control center, or electric transmission and distribution lines and associated equipment infrastructure;

(iii) a chemical, polymer, or rubber manufacturing facility;

(iv) a water intake structure, water treatment facility, wastewater treatment plant, or pump station;

(v) a natural gas compressor station, including but not limited to pipeline interconnections, a city gate or town border station, a metering station, aboveground piping, and a regulation station and natural gas storage facility;

(vi) a liquid natural gas terminal or storage facility;

(vii) a telecommunications central switching office;

(viii) wireless telecommunications infrastructure;

(ix) a port, railroad switching yard, railroad tracks, trucking terminal, or other freight transportation facility;

(x) a gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas or natural gas liquids;

(xi) a transmission facility used by a federally licensed radio or television station;

(xii) a steelmaking facility that uses an electric arc furnace to make steel;

(xiii) a facility identified and regulated by the United States department of homeland security chemical facility anti-terrorism standards program;

(xiv) a dam that is regulated by the state, the federal government, or a tribal government;

(xv) a natural gas distribution utility facility, including but not limited to pipeline interconnections, a city gate or town border station, a metering station, aboveground piping, a regular station, and a natural gas storage facility;

(xvi) aboveground oil, gas, hazardous liquid, and chemical pipelines;

(xvii) aboveground portions of an oil or natural gas well and associated production facilities;

(xviii) aboveground portions of a mineral or metal mining facility;

(xix) correctional facilities;

(xx) cable television*, broadband, and wired communications* infrastructure, including headends, poles, cable television *and broadband* lines, coaxial and fiber optic lines, and other equipment attached to cable television lines*, broadband, and wired communications infrastructure*;

(xxi) military installations, including but not limited to training areas and armories; and

(xxii) a crude oil, inclusive of Y-grade or natural gas liquids, or a refined products storage and distribution facility, including but not limited to a value site, pipeline interconnection, pump station, metering station, below or aboveground pipeline or piping, and truck loading or offloading facility;

(b) a facility for the construction of a location listed in subsection (2)(a); or

(c) a below or aboveground portion of an oil, gas, hazardous liquid, or chemical transmission or distribution pipeline, tank, railroad facility, or other facility that is completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are posted on the property that indicate that entry is forbidden without site authorization.

(3) "Organization" means a group of people, structured in a specific way to achieve a series of shared goals."

Section 2. Section 82-1-602, MCA, is amended to read:

"**82-1-602. Criminal penalties.** (1) Except as provided in 82-1-604, a person who ~~willfully and knowingly~~ *purposely or knowingly* trespasses on property containing a critical infrastructure facility:

(a) that is completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders with intent to ~~willfully~~ *purposely or knowingly* damage, destroy, vandalize, deface, tamper with equipment, or materially impede or inhibit operations of the facility shall, on conviction,

be guilty of a felony punishable by a fine of not more than $4,500 or by imprisonment for not more than 18 months or both; and

(b) that is clearly marked with a sign or signs that are posted on the property that indicate that entry is forbidden without site authorization with intent to ~~willfully~~ *purposely or knowingly* damage, destroy, vandalize, deface, tamper with equipment, or materially impede or inhibit operations of the facility shall, on conviction, be guilty of a felony punishable by a fine of not more than $4,500 or by imprisonment for not more than 18 months or both.

(2) A person who ~~willfully~~ *purposely or knowingly* damages, destroys, vandalizes, defaces, or tampers with *the* equipment ~~in~~ *of* a critical infrastructure facility:

(a) causing less than $1,500 in damages shall, on conviction, be guilty of a misdemeanor and may be incarcerated for any term not to exceed 6 months or be fined an amount not to exceed $500, or both, and must be ordered to make restitution in an amount and manner to be set by the court; and

(b) causing damages greater than $1,500 shall, on conviction, be guilty of a felony punishable by a fine of not more than $150,000 or by imprisonment for not more than 30 years, or both.

(3) An organization found to be in a conspiracy, as the term is used in 45-4-102, with persons who are found to have committed any of the crimes provided in subsection (1) or (2) may be punished by a fine up to 10 times the amount of the fine provided for the appropriate crime."

Approved April 7, 2025

CHAPTER NO. 117

[HB 268]

AN ACT GENERALLY REVISING LAWS RELATED TO SEXUAL AND VIOLENT OFFENDER REGISTRATION; REQUIRING THE COUNTY ATTORNEY TO NOTIFY THE ATTORNEY GENERAL'S OFFICE WHEN A PETITION TO RELIEVE DUTY TO REGISTER IS FILED; AND AMENDING SECTION 46-23-506, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 46-23-506, MCA, is amended to read:

"**46-23-506. Duty of registration -- duration, frequency, reduction, and relief.** (1) A sexual offender required to register under this part shall register for the remainder of the sexual offender's life, except as provided in subsection (3) or during a period of time during which the sexual offender is in prison.

(2) (a) A violent offender required to register under this part shall register for the 10 years following release from confinement or, if not confined following sentencing, for the 10 years following the conclusion of the sentencing hearing and after registering for 10 years, is automatically relieved of the duty to register unless convicted as provided in subsection (2)(b).

(b) If convicted during the 10-year period provided in subsection (2)(a) of failing to register or keep registration current or of a felony, the violent offender shall register for the remainder of the violent offender's life unless relieved of the duty to register as provided in subsection (2)(e).

(c) When a violent offender is relieved of the duty to register under subsection (2)(a), the department of justice shall remove the violent offender from the registry.

(d) Petitions for relief from registration under this part must be filed in the appropriate Montana district court. Orders or other documents granting relief from registration requirements that originated in other jurisdictions are not valid in Montana.

(e) Except as provided in subsection (5), at any time after 10 years of registration for a violent offender registered as provided in subsection (2)(b), a violent offender may petition the sentencing court or the district court for the judicial district in which the violent offender resides for an order relieving the violent offender of the duty to register. The petition must be served on the county attorney in the county where the petition is filed. Prior to a hearing on the petition, the county attorney shall mail a copy of the petition to the victim of the last offense for which the violent offender was convicted if the victim's address is reasonably available. The court shall consider any written or oral statements of the victim. The court may grant the petition on finding that:

(i) the violent offender has remained a law-abiding citizen; and

(ii) continued registration is not necessary for public protection and that relief from registration is in the best interests of society.

(3) Except as provided in subsection (7), at any time after 10 years of registration for a level 1 sexual offender and at any time after 25 years of registration for a level 2 sexual offender, an offender may petition the sentencing court or the district court for the judicial district in which the offender resides for an order relieving the offender of the duty to register. The petition must be served on the county attorney in the county where the petition is filed. Prior to a hearing on the petition, the county attorney shall mail a copy of the petition *to the attorney general's office and* to the victim of the last offense for which the offender was convicted if the victim's address is reasonably available. The court shall consider any written or oral statements of the victim. The court may grant the petition on finding that:

(a) the offender has maintained a clean record during their period of registration; and

(b) continued registration is not necessary for public protection and that relief from registration is in the best interests of society.

(4) A level 3 sexual offender may have their period of registration reduced to 25 years if the sexual offender was adjudicated delinquent of an offense as a juvenile that required level 3 sexual offender registration and the sexual offender has maintained a clean record for 25 consecutive years.

(5) For the purposes of this section, the sexual offender has a clean record if, during the period of time in which the sexual offender was required to register as a sexual offender:

(a) the sexual offender was not convicted of any felony offense;

(b) the sexual offender was not convicted of any sexual offense;

(c) the sexual offender successfully completed, without revocation, any period of supervised release, probation, or parole; and

(d) the sexual offender has successfully completed an appropriate sexual offender treatment program.

(6) The offender may move that all or part of the proceedings in a hearing under subsections (2)(e) and (3) be closed to the public, or the judge may close them on the judge's own motion. If a proceeding under subsections (2)(e) and (3) is closed to the public, the judge shall permit a victim of the offense to be present unless the judge determines that exclusion of the victim is necessary to protect the offender's right of privacy or the safety of the victim. If the victim is present, the judge, at the victim's request, shall permit the presence of an individual to provide support to the victim unless the judge determines that exclusion of the individual is necessary to protect the offender's right to privacy.

(7) Subsection (3) does not apply to an offender who was convicted of:

(a) a violation of 45-5-503 if:

(i) the victim was compelled to submit by force, as defined in 45-5-501, against the victim or another; or

(ii) at the time the offense occurred, the victim was under 12 years of age;

(b) a violation of 45-5-507 if at the time the offense occurred the victim was under 12 years of age and the offender was 3 or more years older than the victim;

(c) a second or subsequent sexual or violent offense that requires registration; or

(d) a sexual offense and was designated as a sexually violent predator under 46-23-509."

Approved April 7, 2025

CHAPTER NO. 118

[HB 335]

AN ACT REVISING LAWS RELATED TO PROFESSIONAL LICENSING BOARD APPOINTMENTS; ESTABLISHING REPORTING REQUIREMENTS; AND AMENDING SECTION 37-1-106, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 37-1-106, MCA, is amended to read:

"**37-1-106. Biennial report.** *(1)* The department, in cooperation with each licensing board, shall prepare a biennial report. The biennial report of the department ~~shall~~ *must* contain for each board*:*

(a) a summary of the board's activities~~,~~*;*

(b) the board's goals and objectives~~,~~*;*

(c) a detailed breakdown of board revenues and expenditures~~,~~*;*

(d) statistics illustrating board activities concerning licensing~~,~~*;*

(e) a summary of complaints received and their disposition~~,~~*;*

(f) the number of licenses revoked or suspended~~,~~*;*

(g) legislative or court action affecting the board~~, and~~*;*

(h) the number of board members appointed pursuant to 37-1-123 who are still serving following the expiration of their appointed term; and

(i) any other information the department or board considers relevant.

(2) The department shall submit the report to the *economic affairs interim committee, in accordance with 5-11-210, and the* office of budget and program planning as a part of the information required by 17-7-111."

Approved April 7, 2025

CHAPTER NO. 119

[HB 426]

AN ACT CLARIFYING LAWS RELATED TO REAL ESTATE APPRAISER REVOCATIONS; SPECIFYING PROVISIONS FOR SUBSTANTIVE CAUSE IN THE REVOCATION OF LICENSES; REVISING PROVISIONS FOR APPLICATIONS FOR REGISTRATION TO COMPLY WITH FEDERAL REQUIREMENTS; AND AMENDING SECTION 37-54-503, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 37-54-503, MCA, is amended to read:

"**37-54-503. Owner requirements.** (1) An appraisal management company applying for registration in this state may not be owned by:

(a) a person who has had a license or certificate to act as an appraiser refused, denied, canceled, revoked *for substantive cause*, or surrendered in lieu of a pending revocation in any state ~~unless the license or certificate was subsequently granted or reinstated~~; or

(b) another entity that is owned by a person who has had a license or certificate to act as an appraiser refused, denied, canceled, revoked *for substantive cause*, or surrendered in lieu of a pending revocation in any state ~~unless the license or certificate was subsequently granted or reinstated~~.

(2) Each person who owns an appraisal management company in this state:

(a) must be of good moral character, as determined by the board; and

(b) shall submit to a background examination as determined by the board.

(3) Each appraisal management company applying for registration in this state shall certify to the board that the appraisal management company has reviewed each person or entity that directly or indirectly owns the appraisal management company, in whole or in part, and that no person or entity that directly or indirectly owns the appraisal management company, in whole or in part, has had a license, a certificate, or registration to act as an appraiser or appraisal management company refused, denied, canceled, revoked, or surrendered in lieu of a pending revocation in any state."

Approved April 7, 2025

CHAPTER NO. 120

[HB 434]

AN ACT REVISING BANKING LAWS TO PROVIDE THAT AN INTERACTIVE TELLER MACHINE DOES NOT CONSTITUTE A BRANCH BANK UNDER CERTAIN CIRCUMSTANCES; DEFINING INTERACTIVE TELLER MACHINE; REVISING DEFINITIONS; AND AMENDING SECTIONS 32-1-109 AND 32-6-103, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 32-1-109, MCA, is amended to read:

"**32-1-109. Definitions.** As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Acquire" means:

(a) the direct or indirect purchase or exchange of stock;

(b) the direct or indirect purchase of assets and liabilities; or

(c) a merger.

(2) "Acquiring party" means the person acquiring control of a bank through the purchase of stock.

(3) "Affiliate" has the meaning given in 12 U.S.C. 1841(k).

(4) "Bank holding company" means a bank holding company or a financial holding company registered under the federal Bank Holding Company Act of 1956, as amended, regardless of where the entity is located or has its headquarters.

(5) "Branch" means:

(a) in the case of a bank, a banking house, other than the main banking house, maintained and operated by a bank doing business in the state and at which deposits are received, checks are paid, or money is lent. The term does not include a satellite terminal; as defined in 32-6-103, *an interactive teller*

machine as defined in this section, a loan production office, or the office of an affiliated depository institution acting as an agent under 12 U.S.C. 1828.

(b) in the case of a trust company, any office at which trust services are provided.

(6) "Capital", "capital stock", and "paid-in capital" mean that fund for which certificates of stock are issued to stockholders.

(7) "Consolidate" and "merge" mean the same thing and may be used interchangeably in this chapter.

(8) "Control" means:

(a) ownership of, authority over, or power to vote, directly or indirectly, 25% or more of any class of voting security;

(b) authority in any manner over the election of a majority of directors; or

(c) power to exercise, directly or indirectly, a controlling influence over management and policies.

(9) "Demand deposits" means all deposits, the payment of which can legally be required when demanded.

(10) "Department" means the department of administration provided for in Title 2, chapter 15, part 10.

(11) "Depository institution" means a bank or savings association organized under the laws of a state or the United States.

(12) "Division" means the division of banking and financial institutions of the department.

(13) "Doing business in this state" means located in this state or having a physical branch bank location in this state.

(14) "Headquarters" means the state in which the activities of a bank holding company or a company controlling the bank holding company are principally conducted within the meaning of the federal Bank Holding Company Act of 1956, as amended.

(15) "Insured depository institution" means a bank or savings association in which the deposits are insured by the federal deposit insurance corporation.

(16) "Interactive teller machine" means an automated, unstaffed banking facility owned or operated by, or operated exclusively for, a bank that is equipped to enable existing customers to initiate an interactive session with remotely located bank personnel. Customers must also be able to perform core banking transactions at the machine without the involvement of bank personnel and must have the sole discretion to initiate or terminate interactive sessions with bank personnel.

~~(16)~~*(17)* "Loan production office" means a staffed facility, other than a branch, that provides lending-related services to the public, including loan information and applications.

~~(17)~~*(18)* "Located in this state" means:

(a) in the case of a bank, that the bank is either organized under the laws of this state or is a federally chartered bank whose organizational certificate identifies an address in this state as the principal place at which the business of the federally chartered bank is conducted; and

(b) in the case of a bank holding company, that the entity, partnership, or trust is organized under the laws of this state.

~~(18)~~*(19)* "Main banking house" means the designated principal place of business of a bank.

~~(19)~~*(20)* "Net earnings" means the excess of the gross earnings of a bank over expenses and losses chargeable against those earnings during any 1 year.

~~(20)~~*(21)* "Principal shareholder" means a person who directly or indirectly owns or controls, individually or through others, more than 10% of any class of voting stock.

~~(21)~~*(22)* "Profit and loss account" or "profit and loss" means that account carried on the books of the bank into which all earnings accounts and recoveries are closed, thus exhibiting "gross earnings", and against which all loss and other disbursement items are charged, revealing "net earnings", which are then properly closed to "undivided profits accounts" or "undivided profits", out of which dividends are paid and reserves set aside.

~~(22)~~*(23)* "Regional banking organization" means a bank organized in this state that is owned by an entity with consolidated total assets between $10 billion and $50 billion and that has subsidiaries operating in one or more states but not nationwide.

~~(23)~~*(24)* "Savings association" means a savings association or savings bank organized under the laws of the United States or a building and loan association, savings and loan association, or similar entity organized under the laws of a state.

~~(24)~~*(25)* (a) "Service provider" means an individual or person that provides one or more of the following services to a depository institution:

(i) data processing services;

(ii) activities supporting financial services, including but not limited to lending, funds transfer, fiduciary activities, trading activities, and deposit taking;

(iii) internet-related services, including but not limited to web services and electronic bill payments, mobile applications, system and software development and maintenance, and security monitoring; and

(iv) activities related to the business of banking.

(b) The term does not include:

(i) an individual or person that provides telecommunications service, internet access service, internet transport services, voice over internet protocol service, or other internet protocol-enabled service; or

(ii) a general audience internet or communications platform.

~~(25)~~*(26)* "Shell bank" means a bank organized solely for the purpose of, and that does not conduct any banking business prior to, acquiring control of, merging with, or acquiring all or substantially all of the assets of an existing bank or savings association.

~~(26)~~*(27)* "Subsidiary" means a company 25% or more of whose voting shares or equity interests are owned and controlled by a bank.

~~(27)~~*(28)* "Surplus" means a fund paid in or created under this chapter by a bank from its net earnings or undivided profits that, when set apart and designated as surplus, is not available for the payment of dividends and cannot be used for the payment of expenses or losses so long as the bank has undivided profits.

~~(28)~~*(29)* "Tier 1 leverage ratio" means the ratio of tier 1 capital to average total assets as defined in 12 CFR 324.10(b)(4).

~~(29)~~*(30)* "Time deposits" means all deposits, the payment of which cannot legally be required within 7 days.

~~(30)~~*(31)* "Undivided profits" means the credit balance of the profit and loss account of a bank."

Section 2. Section 32-6-103, MCA, is amended to read:

"**32-6-103. Definitions.** As used in this chapter, unless the context otherwise requires, the following definitions apply:

(1) "Customer", in relation to a financial institution, means a holder of a demand or time account or a membership share in the institution or a person who is a borrower or a mortgagor; in relation to a merchant, it means a purchaser of goods or services.

(2) "Department" means the department of administration.

(3) (a) "Electronic funds transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument that is initiated through an electronic terminal, telephone, computer, or magnetic tape for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account. The term includes but is not limited to point-of-sale transfers, automated teller machine transfers, *interactive teller machine transfers,* direct deposits or withdrawals of funds, and transfers initiated by telephone. It also includes a transfer resulting from a debit card transaction, including a transaction that does not involve an electronic terminal at the time of the transaction.

(b) The term does not include payments made by check, draft, or similar paper instrument at an electronic terminal.

(4) "Electronic terminal" means an electronic device, other than a telephone operated by a consumer, through which a consumer may initiate an electronic funds transfer. The term includes but is not limited to point-of-sale terminals, automated teller machines, *interactive teller machines,* and cash dispensing machines.

(5) "Financial institution" means a bank chartered under chapter 1 of this title, a bank chartered under the National Banking Acts in Title 12 of the United States Code, a building and loan association chartered under chapter 2 of this title, a savings and loan association chartered under the Home Owners' Loan Act in Title 12 of the United States Code, a credit union chartered under chapter 3 of this title, or a credit union chartered under the Federal Credit Union Act in Title 12 of the United States Code. For purposes of this chapter only, a consumer loan company licensed under chapter 5 is considered a financial institution.

(6) "Merchant" means a natural person, corporation, partnership, or association engaged in buying and selling goods or services, except that a financial institution is not a merchant.

(7) "Person" means an individual, partnership, corporation, association, or any other business organization.

(8) "Premises" means those locations where, by applicable law, financial institutions are authorized to maintain a principal place of business and other offices for the conduct of their respective businesses.

(9) (a) "Satellite terminal" means any machine or device that is located off the premises of a financial institution and that a financial institution or its customers may use to carry out electronic funds transfers.

(b) ~~Satellite terminal~~ *The term* includes:

(i) an automated teller machine, which means a satellite terminal to make electronic funds transfers, *that is* located off the premises of financial institutions, operated by customers of financial institutions without assistance, and activated by a unique identification device and personal identification number;

(ii) an interactive teller machine as defined in 32-1-109; and

~~(ii)~~*(iii)* a point-of-sale terminal, which means a satellite terminal located on the premises of a merchant, operated by a customer, a merchant, or the merchant's employees solely to debit or credit a customer's deposit or share account in a financial institution and solely to credit or debit the merchant's account commensurately for transactions in goods or services. A point-of-sale terminal need not be activated by a unique personal identification device. A merchant has the option, if the necessary computer capability exists at a reasonable cost, of selling goods or services by point-of-sale terminals with the electronic funds transfer taking effect at the time of the transaction or at a stated time after the transaction.

(c) The definition of satellite terminal does not include and nothing in this chapter may be construed to apply to:

(i) an automated teller machine *or interactive teller machine* located on the premises of a financial institution;

(ii) an automated clearinghouse or any equivalent system designed to transfer funds between financial institutions; or

(iii) a point-of-sale terminal that is used by a merchant in the merchant's business only and does not provide access to a financial institution.

(10) "Unique identification device" means a magnetic encoded plastic card or equivalent device that contains either a number or a dollar balance, or both, that is unique to a customer and that is issued by a financial institution, merchant, or other person."

Approved April 7, 2025

CHAPTER NO. 121

[HB 399]

AN ACT REVISING PRIOR AUTHORIZATION LAWS; PROHIBITING PRIOR AUTHORIZATION FOR ORAL AND INHALED GENERIC PRESCRIPTION DRUGS; PROHIBITING PRIOR AUTHORIZATION FOR INHALED PRESCRIPTION DRUGS FOR ASTHMA, CHRONIC OBSTRUCTIVE PULMONARY DISEASE, OR CHRONIC LUNG DISEASE; PROHIBITING PRIOR AUTHORIZATION FOR INSULIN; REQUIRING INSURERS TO PROVIDE A LIST OF REASONABLE THERAPEUTIC ALTERNATIVES IF THE INSURER MAKES AN ADVERSE DETERMINATION FOR A PRESCRIPTION DRUG; AND AMENDING SECTION 33-32-221, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 33-32-221, MCA, is amended to read:

"**33-32-221. Prior authorization requirements.** (1) A health insurance issuer *or an entity that it contracts with to perform prior authorization on its behalf* may not perform prior authorization on benefits for:

(a) any generic prescription drug *that is not included in subsections (1)(d) through (1)(g) and* that is not listed within any of the schedules of controlled substances found at 21 CFR 1308.11 through 21 CFR 1308.15 or the schedules of controlled substances found in Title 50, chapter 32, after a covered person has been prescribed the covered drug at the same quantity without interruption for 6 months;

(b) any prescription drug or drugs, generic or brand name, on the grounds of therapeutic duplication for the same drug if the covered person has already been subject to prior authorization on the grounds of therapeutic duplication for the same dosage of the prescription drug or drugs and coverage of the prescription drug or drugs was approved;

(c) any prescription drug, generic or brand name, solely because the dosage of the medication for the covered person has been adjusted by the prescriber of the prescription drug, as long as the dosage is within the dosage approved by the food and drug administration or is consistent with clinical dosing for the medication; ~~or~~

(d) any prescription drug, generic or brand name, that is a long-acting injectable antipsychotic*;*

(e) any formulary oral or inhaled nonbiologic generic prescription drug that is not listed as a specialty tier drug by medicare Part D, or within any of the

schedules of controlled substances found at 21 CFR 1308.11 through 21 CFR 1308.15 or the schedules of controlled substances found in Title 50, chapter 32;

(f) any formulary nonspecialty inhaled prescription drug, generic or brand name, for the treatment of asthma, chronic obstructive pulmonary disease, or chronic lung disease; or

(g) formulary generic or brand name insulin for patients diagnosed with diabetes.

(2) Any adverse determination for a prescription drug made during prior authorization by a health insurance issuer *or an entity that it contracts with to perform prior authorization on its behalf* must be made by a physician whose specialty focuses on the diagnosis and treatment of the condition for which the prescription drug was prescribed to treat, provided that prior authorization that does not result in an adverse determination does not require the involvement of a physician on the part of a health insurance issuer *or an entity that it contracts with to perform prior authorization on its behalf.*

(3) If the health insurance issuer or an entity that it contracts with to perform prior authorization on its behalf makes an adverse determination for a prescription drug during prior authorization, it shall provide a written adverse determination notice that includes a list of reasonable therapeutic alternatives that are covered by the insurer's formulary."

Approved April 16, 2025

CHAPTER NO. 122

[HB 357]

AN ACT REVISING EDUCATIONAL LAWS TO PROVIDE FUNDING FOR CAREER AND TECHNICAL EDUCATION IN THE MIDDLE GRADES; REQUIRING THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO ADOPT RULES FOR THE DISTRIBUTION OF THE FUNDS; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN APPROPRIATION.

WHEREAS, the academic requirements for junior high schools, middle schools, and 7th and 8th grade programs contained in the accreditation standards of the Board of Public Education include "career and technical education courses or pathways such as agriculture, business education, family and consumer sciences, health occupations and industrial technology education"; and

WHEREAS, high schools receive additional state funding that recognizes the unique costs of maintaining high-quality career and technical education pathways; and

WHEREAS, there is an increasing awareness of the importance of providing high-quality career and technical education, including career exposure and exploration, to students in the middle grades; and

WHEREAS, the Office of Public Instruction has utilized the increased flexibility under Perkins V and Montana's Perkins Plan to provide modest $5,000 Perkins Secondary Reserve Grants limited to small schools on a first-come, first-served basis; and

WHEREAS, a long-overdue state investment to support middle grades career and technical education could enhance the Perkins Secondary Reserve Grants and allow larger schools to participate as well.

Be it enacted by the Legislature of the State of Montana:

Section 1. Funding for career and technical education programs in middle grades. (1) The superintendent of public instruction shall

annually distribute money from the appropriation for middle grades career and technical education. The money must be allocated to elementary and K-12 school districts with accredited and approved junior high, middle school, or 7th and 8th grade programs.

(2) The superintendent of public instruction shall by rule prescribe the method for distribution, the form of the application, budget procedures, and accounting rules for the funds. The legislature intends that the state money be used to enhance distributions of federal funding under the Carl D. Perkins Career and Technical Education Improvement Act of 2006 to support middle grades career and technical education in line with the plan developed under 20-7-330, except that the state money may not be limited by school size and that the distribution method adopted by the superintendent of public instruction be equitable. The superintendent of public instruction may prescribe other requirements for the receipt of funding consistent with Title 20, chapter 7, part 3.

Section 2. Appropriation. (1) There is appropriated $240,000 from the general fund to the office of public instruction for fiscal year 2027 for middle grades career and technical education as described in [section 1].

(2) The legislature intends that the appropriation in this section be considered part of the ongoing base for the next legislative session.

Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 20, chapter 7, part 3, and the provisions of Title 20, chapter 7, part 3, apply to [section 1].

Approved April 16, 2025

CHAPTER NO. 123

[HB 278]

AN ACT AUTHORIZING A PEACE OFFICER TO CHECK AND REQUIRING THE PEACE OFFICER TO REPORT THE IMMIGRATION STATUS OF A PERSON DURING A LAWFUL STOP; AND AMENDING SECTION 46-5-401, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 46-5-401, MCA, is amended to read:

"**46-5-401. Investigative stop and frisk.** (1) In order to obtain or verify an account of the person's presence or conduct or to determine whether to arrest the person, a peace officer may stop any person or vehicle that is observed in circumstances that create a particularized suspicion that the person or occupant of the vehicle has committed, is committing, or is about to commit an offense. If the stop is for a violation under Title 61, unless emergency circumstances exist or the officer has reasonable cause to fear for the officer's own safety or for the public's safety, the officer shall as promptly as possible inform the person of the reason for the stop.

(2) A peace officer who has lawfully stopped a person or vehicle under this section may:

(a) request the person's name and present address and an explanation of the person's actions and, if the person is the driver of a vehicle, demand the person's driver's license and the vehicle's registration and proof of insurance; and

(b) frisk the person and take other reasonably necessary steps for protection if the officer has reasonable cause to suspect that the person is armed and presently dangerous to the officer or another person present. The officer may

take possession of any object that is discovered during the course of the frisk if the officer has probable cause to believe that the object is a deadly weapon until the completion of the stop, at which time the officer shall either immediately return the object, if legally possessed, or arrest the person.

(3) A peace officer who has lawfully stopped a person or vehicle under this section may make a reasonable attempt, upon reasonable suspicion and when practicable, to determine the immigration status of the person, except if the determination may hinder or obstruct an investigation. The peace officer shall make a report to a federal immigration agency as defined in 27-16-801 if a person stopped under this section is not lawfully present in the United States.

~~(3)~~*(4)* A peace officer acting under subsection (2) while the peace officer is not in uniform shall inform the person as promptly as possible under the circumstances and in any case before questioning the person that the officer is a peace officer."

Approved April 16, 2025

CHAPTER NO. 124

[HB 260]

AN ACT INCREASING THE AMOUNT OF PROFESSIONAL STIPENDS PAID TO TEACHERS HOLDING NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS CERTIFICATION AND PROVIDING A MECHANISM FOR ANNUAL INFLATIONARY ADJUSTMENT TO THE STIPENDS; AMENDING SECTION 20-4-134, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 20-4-134, MCA, is amended to read:

"**20-4-134. Professional stipends for teachers certified by national board for professional teaching standards.** (1) Pursuant to subsection (5), an annual stipend of up to ~~$1,500~~ *an amount equivalent to 50% of the quality educator payment amount provided in 20-9-306 for the applicable year* must be provided to each teacher who holds a current certificate from the national board for professional teaching standards if the teacher is:

(a) a full-time classroom teacher, librarian, or other full-time employee serving in an assignment covered by national board certification assessment;

(b) certified to teach in Montana under the provisions of 20-4-103; and

(c) a full-time employee of:

(i) a Montana public school district, as defined in 20-6-101;

(ii) an education cooperative, as described in 20-7-451;

(iii) the Montana school for the deaf and blind, as described in 20-8-101; or

(iv) a correctional facility, as defined in 41-5-103.

(2) An annual stipend of up to ~~$2,500~~ *an amount equivalent to 85% of the quality educator payment amount provided in 20-9-306 for the applicable year* must be provided to each teacher who meets the criteria for the stipend in subsection (1) and who has an instructional assignment in a school identified as:

(a) a school in a high-poverty area eligible to participate in the community eligibility provision under Public Law 111-296; or

(b) an impacted school as defined in 20-4-502.

(3) A teacher becomes eligible for the stipend in subsection (1) in the school year beginning July 1 after the teacher obtains certification or recertification from the national board for professional teaching standards.

(4) By March 1, the superintendent of public instruction shall distribute stipend payments to any entity listed in subsections (1)(c)(i) through (1)(c)(iv) that employs an eligible teacher.

(5) The obligation for funding a portion of the professional stipends is an obligation of the state. This section may not be construed to require a school district to provide its matching portion of a stipend to a qualifying teacher without a payment from the state to the district. If the money appropriated for the stipends is not enough to provide the full amount for each eligible teacher, the superintendent of public instruction shall request the state budget director to submit a request for a supplemental appropriation in the second year of the biennium that is sufficient to complete the funding of the stipends.

(6) (a) For a stipend under subsection (1), the state shall pay ~~$500~~ *50% of the maximum stipend amount under subsection (1)* and another ~~$1~~ *1% of the amount* for each ~~$1~~ *1% of the amount* contributed by the teacher's school district, up to a maximum state contribution of ~~$1,000~~ *75% of the amount*.

(b) For a stipend under subsection (2), the state shall pay ~~$1,000~~ *55% of the maximum stipend amount under subsection (2)* and another ~~$2~~ *2% of the amount* for each ~~$1~~ *1% of the amount* contributed by the teacher's school district, up to a maximum state contribution of ~~$2,000~~ *85% of the amount*."

Section 2. Effective date. [This act] is effective July 1, 2025.

Section 3. Applicability. [This act] applies to stipends paid for school years beginning on or after July 1, 2025.

Approved April 16, 2025

CHAPTER NO. 125

[HB 254]

AN ACT ELIMINATING FINGERPRINT BACKGROUND CHECKS AND OTHER REQUIREMENTS FOR PROFESSIONAL EMPLOYER ORGANIZATION APPLICANTS; AND AMENDING SECTION 39-8-202, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 39-8-202, MCA, is amended to read:

"**39-8-202. Initial license application -- application fee -- standards -- provisional license.** (1) An applicant for initial licensure as a professional employer organization or group shall file with the department a completed application on a form provided by the department.

(2) The application must be accompanied by a nonrefundable application fee and any material or information required by the department that demonstrates compliance with the requirements of this chapter. The application fee is:

(a) $750 for a resident or nonresident unrestricted license; and

(b) $500 for a restricted license.

(3) As a condition of licensure under this chapter, an applicant who is not a resident or who is domiciled outside the state must first be licensed as a professional employer organization or group in the state in which the applicant is a resident or is domiciled if licensing is required by that state.

(4) An applicant for licensure as a professional employer organization or group must meet one of the following applicable standards:

(a) An individual must be 18 years of age or older.

(b) A partnership or a limited partnership shall provide the names and home addresses of all partners, indicate whether each partner is a general or a limited partner, and include a copy of the partnership agreement or an

affidavit signed by all partners acknowledging that a written partnership agreement does not exist.

(c) A corporation shall state the names and home addresses of all officers, directors, and shareholders who own a 5% or greater interest in the corporation. A domestic or foreign corporation must have filed any required documents with the secretary of state and shall remain in good standing to conduct business pursuant to this chapter.

(d) A limited liability company shall state the names and home addresses of those individuals who own a 5% or greater interest in the limited liability company. A domestic or foreign limited liability company must have filed any required documents with the secretary of state and shall remain in good standing to conduct business pursuant to this chapter.

(e) A group:

(i) must be authorized to act on behalf of the group;

(ii) shall include for each professional employer organization within the group the information required in subsection (4); and

(iii) shall guarantee, on a form provided by the department and executed by each professional employer organization within the group, payment of all financial obligations with respect to wages, payroll-related taxes, insurance premiums, and employee benefits of each other member within the group.

(5) ~~(a)~~ An applicant shall also provide *the following*:

~~(i)~~*(a)* the trade name or names under which the applicant conducts business, the business's taxpayer or employer identification number, the address of the business's principal place of business in the state, and the addresses of any other offices within the state through which the applicant intends to conduct business as a professional employer organization or group. If the applicant's principal place of business is located in another state, the address must be provided.

~~(ii)~~*(b)* a list by jurisdiction of each name under which the applicant has operated in the preceding 5 years, including any alternative names, names of predecessors, and names of related business entities with common majority ownership, and detailed information on the background of each controlling person to the extent required by the department.~~; and~~

~~(iii) other information requested by the department to show that the applicant and each controlling person are of good moral character, have business integrity, and are financially responsible. "Good moral character" means a personal history of honesty, trustworthiness, and fairness; a good reputation for fair dealings; and respect for the rights of others and for the laws of this state and nation.~~

~~(b) (i) As a prerequisite to the issuance of a license, the department shall require the applicant and any controlling person to submit fingerprints for the purpose of fingerprint checks by the Montana department of justice and the federal bureau of investigation.~~

~~(ii) The applicant and any controlling person shall sign a release of information to the department and are responsible to the department of justice for the payment of all fees associated with the criminal background check.~~

~~(iii) Upon completion of the criminal background check, the department of justice shall forward all criminal justice information, as defined in 44-5-103, concerning the applicant or any controlling person that involves the conviction of a criminal offense in any jurisdiction to the department, as authorized in 44-5-303.~~

~~(iv) At the conclusion of any background check required by this section, the department must receive the criminal background check report but may not receive the fingerprint card of the applicant or of any controlling person. Upon~~

~~receipt of the criminal background check report, the department of justice shall promptly destroy the fingerprint card of the applicant and of any controlling person.~~

~~(c) If an applicant or any controlling person has a history of criminal convictions, then pursuant to 37-1-203, the applicant or controlling person has the opportunity to demonstrate to the department that the applicant or controlling person is sufficiently rehabilitated to warrant the public trust, and if the department determines that the applicant or controlling person is not, the license may be denied.~~

(6) (a) Except for an applicant who is granted a restricted license under subsection (9), an applicant shall maintain a tangible accounting net worth of not less than $50,000, evidenced by:

(i) providing financial statements that have been independently audited by a certified public accountant in accordance with generally accepted accounting principles; or

(ii) providing independently compiled financial statements and a $100,000 security deposit in a form that is acceptable to the department.

(b) If, after licensure, an applicant defaults in paying wages or payroll-related taxes or in meeting any liability arising pursuant to Title 39, chapter 71, or this chapter, the security deposit may be used to meet those obligations. The security deposit may not be used in determining the net worth of an applicant.

(c) (i) Documents submitted to establish net worth must reflect net worth as of a date not more than 6 months prior to the date on which the application is submitted.

(ii) Financial statements submitted must be attested by the president, chief financial officer, and at least one controlling person of the professional employer organization or group.

(iii) If an applicant is unable to meet the $50,000 net worth requirement, the applicant shall provide to the department a surety bond, a letter of credit, or marketable securities acceptable to the department in an amount of not less than $50,000 to cover the deficiency. If, after licensure, an applicant defaults in paying wages or payroll-related taxes or in meeting any liability arising pursuant to Title 39, chapter 71, or this chapter, the surety bond, letter of credit, or marketable securities provided to the department may be used to meet those obligations.

(7) The applicant shall maintain a positive working capital, as evidenced by financial statements.

(8) The department may provide by rule for the acceptance, in lieu of the requirements of subsections (6) and (7), of an affidavit provided by a bonded, independent, and qualified assurance organization that has been approved by the department certifying the qualifications of a professional employer organization or group seeking licensure under this chapter.

(9) The department may issue a restricted license for limited operation within this state to a professional employer organization or group that is a resident of or domiciled in another state if:

(a) the applicant's state of residence or domicile provides for licensing of professional employer organizations or groups and the applicant is licensed and in good standing in that state and that state grants a similar privilege for restricted licensing to professional employer organizations or groups that are residents of or domiciled in this state and that are licensed under this chapter;

(b) the applicant does not maintain an office, a sales force, or a sales representative in this state and does not solicit clients who are residents of or domiciled in this state; and

(c) the applicant does not have more than 100 leased employees working in this state.

(10) An applicant for a license shall appoint a recognized and approved entity as its registered agent to receive service of legal process issued against it in this state if a registered agent has not already been appointed.

(11) The department may issue a provisional license to an applicant that allows the applicant to operate in this state while the applicant's application is being processed by the department. The department may not charge a fee for a provisional license. The department may adopt rules to implement the provisions of this subsection.

(12) A license issued under 39-8-204 or this section may not be transferred."

Approved April 16, 2025

CHAPTER NO. 126

[HB 253]

AN ACT REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO DISCLOSE CERTAIN INFORMATION DURING A PUBLIC HEALTH EMERGENCY.

Be it enacted by the Legislature of the State of Montana:

Section 1. Duties of department during public health emergency. (1) If the governor has declared a state of emergency pursuant to 10-3-303 that is considered a public health emergency, the department shall make, at minimum, a twice weekly disclosure of health information in accordance with the confidentiality requirements of 50-16-603 on the department's website and any other means considered necessary to communicate to the public the total number of individuals:

(a) hospitalized in the state due to conditions, diagnoses, or other impacts to an individual's health that have been identified by the governor as a basis for the public health emergency; and

(b) who have died as a result of conditions, diagnoses, or other impacts to an individual's health that have been identified by the governor as a basis for the public health emergency.

(2) Except as provided in subsection (3), for each category identified in subsections (1)(a) and (1)(b) the department shall disclose:

(a) the number of individuals within the following age cohorts:

(i) 0 to 4;

(ii) 5 to 17;

(iii) 18 to 34;

(iv) 35 to 49;

(v) 50 to 64; and

(vi) 65 and older;

(b) the gender of individuals;

(c) any period of hospitalization of the individuals related to the conditions, diagnoses, or other impacts to an individual's health that have been identified by the governor as a basis for the public health emergency;

(d) the date of death, if applicable;

(e) underlying conditions, if any, that may have contributed to the hospitalization or death of the individuals; and

(f) if not disclosed pursuant to subsection (2)(e), for individuals who have died during the time period for which the department is disclosing the information required in this section, personal characteristics or conditions

of the individuals that may be causally connected to mortality or morbidity known to be associated with the public health emergency.

(3) If disclosure of the information required by subsection (2) would compromise privacy, the department may alter how it reports the information, including age cohort groupings, or not disclose the information.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 50, chapter 16, part 6, and the provisions of Title 50, chapter 16, part 6, apply to [section 1].

Approved April 16, 2025

CHAPTER NO. 127

[HB 241]

AN ACT ADOPTING THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT; PROVIDING FOR RECOGNITION OF HOME STATE LICENSURE; PROVIDING FOR REQUIREMENTS TO PRACTICE TELEPSYCHOLOGY; PROVIDING FOR TEMPORARY AUTHORIZATION TO PRACTICE PSYCHOLOGY; PROVIDING FOR CONDITIONS TO PRACTICE TELEPSYCHOLOGY IN A RECEIVING STATE; PROVIDING FOR AN ADVERSE ACTION PROCESS; PROVIDING FOR A COORDINATED LICENSURE INFORMATION SYSTEM; RECOGNIZING THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION; PROVIDING RULEMAKING AUTHORITY; PROVIDING FOR CONDITIONS OF DEFAULT AND TERMINATION; PROVIDING DEFINITIONS; AMENDING SECTION 37-17-202, MCA; AND PROVIDING AN EFFECTIVE DATE FOR COMMISSION RULES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Enactment--provisions. The Psychology Interjurisdictional Compact is enacted into law and entered into with all other jurisdictions joining in the compact in the form substantially as follows:

ARTICLE I

PURPOSE

WHEREAS, states license psychologists in order to protect the public through verification of education, training, and experience and ensure accountability for professional practice; and

WHEREAS, this compact is intended to regulate the day-to-day practice of telepsychology, defined in Article II, by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority; and

WHEREAS, this compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for 30 days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority; and

WHEREAS, this compact is intended to authorize state psychology regulatory authorities to afford legal recognition, in a manner consistent with the terms of the compact, to psychologists licensed in another state; and

WHEREAS, this compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of psychologists and that such state regulation will best protect public health and safety; and

WHEREAS, this compact does not apply to the practice of psychology by a psychologist licensed in both the home and receiving states; and

WHEREAS, this compact does not apply to permanent in-person, face-to-face practice, but it does allow for authorization of temporary psychological practice.

Consistent with these principles, this compact is designed to achieve the following purposes and objectives:

(1) increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state in which the psychologist is not licensed to practice psychology;

(2) enhance the states' ability to protect the public's health and safety, especially client and patient safety;

(3) encourage the cooperation of compact states in the areas of psychology licensure and regulation;

(4) facilitate the exchange of information between compact states regarding psychologist licensure, adverse actions, and disciplinary history;

(5) promote compliance with the laws governing psychological practice in each compact state; and

(6) invest all compact states with the authority to hold licensed psychologists accountable through the mutual recognition of compact state licenses.

ARTICLE II

DEFINITIONS

(A) "Adverse action" means any action taken by a state psychology regulatory authority that finds a violation of a statute or regulation that is identified by the state psychology regulatory authority as discipline and is a matter of public record.

(B) "Association of state and provincial psychology boards" or "ASPPB" means the recognized membership organization composed of state and provincial psychology regulatory authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.

(C) "Authority to practice interjurisdictional telepsychology" means a licensed psychologist's authority to practice telepsychology within the limits authorized under this compact in another compact state.

(D) "Bylaws" means those bylaws established by the psychology interjurisdictional compact commission pursuant to Article X for its governance or for directing and controlling its actions and conduct.

(E) "Client" or "patient" means the recipient of psychological services, whether psychological services are delivered in the context of health care, corporate, supervision, or consulting services.

(F) "Commissioner" means the voting representative appointed by each state psychology regulatory authority pursuant to Article X.

(G) "Compact state" means a state, the District of Columbia, or a United States territory that has enacted this compact legislation and that has not withdrawn pursuant to Article XIII, section (C), or been terminated pursuant to Article XII, section (B).

(H) "Confidentiality" means the principle that data or information is not made available or disclosed to unauthorized persons or processes.

(I) "Coordinated licensure information system" or "coordinated database" means an integrated process for collecting, storing, and sharing information on psychologists' licensure and enforcement activities related to psychology licensure laws that is administered by the recognized membership organization composed of state psychology regulatory authorities.

(J) "Day" means any part of a day in which psychological work is performed.

(K) "Distant state" means the compact state where a psychologist is physically present, not through the use of telecommunications technologies, to provide temporary in-person, face-to-face psychological services.

(L) "E.passport" means a certificate issued by the association of state and provincial psychology boards that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines.

(M) "Executive board" means a group of directors elected or appointed to act on behalf of and within the powers granted to them by the commission.

(N) "Home state" means a compact state where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one compact state and is practicing under the authorization to practice interjurisdictional telepsychology, the home state is the compact state where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one compact state and is practicing under the temporary authorization to practice, the home state is any compact state where the psychologist is licensed.

(O) "Identity history summary" means a summary of information retained by the federal bureau of investigation, or other designee with similar authority, in connection with arrests and in some instances federal employment, naturalization, or military service.

(P) "In-person" or "face-to-face" or "in-person, face-to-face" means interactions in which the psychologist and the client or patient are in the same physical space and does not include interactions that may occur through the use of telecommunication technologies.

(Q) "Interjurisdictional practice certificate" or "IPC" means a certificate issued by the association of state and provincial psychology boards that grants temporary authority to practice based on notification to the state psychology regulatory authority of intention to practice temporarily and verification of one's qualifications for such practice.

(R) "License" means authorization by a state psychology regulatory authority to engage in the independent practice of psychology, which would be unlawful without the authorization.

(S) "Non-compact state" means any state that is not at the time a compact state.

(T) "Psychologist" means an individual licensed for the independent practice of psychology.

(U) "Psychology interjurisdictional compact commission" or "commission" means the national administration of which all compact states are members.

(V) "Receiving state" means a compact state where the client or patient is physically located when the telepsychological services are delivered.

(W) "Rule" means a written statement by the psychology interjurisdictional compact commission promulgated pursuant to Article XI of the compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact or an organizational, procedural, or practice requirement of the commission and has the force and effect of statutory law in a compact state, and includes the amendment, repeal, or suspension of an existing rule.

(X) "Significant investigatory information" means:

(1) investigative information that, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, a state psychology regulatory authority has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than minor infraction; or

(2) investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified or had an opportunity to respond.

(Y) "State" means a state, commonwealth, territory, or possession of the United States, or the District of Columbia.

(Z) "State psychology regulatory authority" means the board, office, or other agency with the legislative mandate to license and regulate the practice of psychology.

(AA) "Telepsychology" means the provision of psychological services using telecommunication technologies.

(BB) "Temporary authorization to practice" means a licensed psychologist's authority to conduct temporary in-person, face-to-face practice within the limits authorized under this compact, in another compact state.

(CC) "Temporary in-person, face-to-face practice" means where a psychologist is physically present, not through the use of telecommunications technologies, in the distant state to provide for the practice of psychology for 30 days within a calendar year and based on notification to the distant state.

ARTICLE III

HOME STATE LICENSURE

(A) The home state must be a compact state where a psychologist is licensed to practice psychology.

(B) A psychologist may hold one or more compact state licenses at a time. If the psychologist is licensed in more than one compact state, the home state is the compact state where the psychologist is physically present when the services are delivered as authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.

(C) Any compact state may require a psychologist not previously licensed in a compact state to obtain and retain a license to be authorized to practice in the compact state under circumstances not authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.

(D) Any compact state may require a psychologist to obtain and retain a license to be authorized to practice in a compact state under circumstances not authorized by temporary authorization to practice under the terms of this compact.

(E) A home state's license authorizes a psychologist to practice in a receiving state under the authority to practice interjurisdictional telepsychology only if the compact state:

(1) currently requires the psychologist to hold an active E.passport;

(2) has a mechanism in place for receiving and investigating complaints about licensed individuals;

(3) notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

(4) requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the federal bureau of investigation, or other designee with similar authority, no later than 10 years after activation of the compact; and

(5) complies with the bylaws and rules of the commission.

(F) A home state's license grants temporary authorization to practice to a psychologist in a distant state only if the compact state:

(1) currently requires the psychologist to hold an active interjurisdictional practice certificate;

(2) has a mechanism in place for receiving and investigating complaints about licensed individuals;

(3) notifies the commission, in compliance with the terms of the compact, of any adverse action or significant investigatory information regarding a licensed individual;

(4) requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the federal bureau of investigation, or other designee with similar authority, no later than 10 years after activation of the compact; and

(5) complies with the bylaws and rules of the commission.

ARTICLE IV
COMPACT PRIVILEGE TO PRACTICE
TELEPSYCHOLOGY

(A) Compact states shall recognize the right of a psychologist, licensed in a compact state in conformance with Article III, to practice telepsychology in other compact states or receiving states in which the psychologist is not licensed, under the authority to practice interjurisdictional telepsychology as provided in the compact.

(B) To exercise the authority to practice interjurisdictional telepsychology under the terms and provisions of this compact, a psychologist licensed to practice in a compact state:

(1) must hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

(a) regionally accredited by an accrediting body recognized by the United States department of education to grant graduate degrees or authorized by provincial statute or royal charter to grant doctoral degrees; or

(b) a foreign college or university deemed to be equivalent to Article IV, subsection (B)(1)(a), by a foreign credential evaluation service that is a member of the national association of credential evaluation services or by a recognized foreign credential evaluation service;

(2) must hold a graduate degree in psychology that meets the following criteria:

(a) the program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists.

(b) the psychology program must stand as a recognizable, coherent, organizational entity within the institution;

(c) there must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(d) the program must consist of an integrated, organized sequence of study;

(e) there must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

(f) the designated director of the program must be a psychologist and a member of the core faculty;

(g) the program must have an identifiable body of students who are matriculated in that program for a degree;

(h) the program must include supervised practicum, internship, or field training appropriate to the practice of psychology;

(i) the curriculum must encompass a minimum of 3 academic years of full-time graduate study for doctoral degree and a minimum of 1 academic year of full-time graduate study for master's degree; and

(j) the program includes an acceptable residency as defined by the rules of the commission;

(3) must possess a current, full, and unrestricted license to practice psychology in a home state that is a compact state;

(4) may not have a history of adverse action that violates the rules of the commission;

(5) may not have a criminal record history reported on an identity history summary that violates the rules of the commission;

(6) must possess a current, active E.passport;

(7) shall provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology, criminal background, and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the commission; and

(8) shall meet other criteria as defined by the rules of the commission.

(C) The home state maintains authority over the license of any psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology.

(D) A psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology will be subject to the receiving state's scope of practice. A receiving state may, in accordance with that state's due process law, limit or revoke a psychologist's authority to practice interjurisdictional telepsychology in the receiving state and may take any other necessary actions under the receiving state's applicable law to protect health and safety of the receiving state's citizens. If a receiving state takes action, the state shall promptly notify the home state and the commission.

(E) If a psychologist's license in any home state or another compact state or any authority to practice interjurisdictional telepsychology in any receiving state is restricted, suspended, or otherwise limited, the E.passport must be revoked and therefore the psychologist may not be eligible to practice telepsychology in a compact state under the authority to practice interjurisdictional telepsychology.

ARTICLE V

COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

(A) Compact states shall recognize the right of a psychologist, licensed in a compact state in conformance with Article III, to practice temporarily in other compact states or distant states in which the psychologist is not licensed.

(B) To exercise the temporary authorization to practice under the terms and provisions of this compact, a psychologist licensed to practice in a compact state:

(1) must hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

(a) regionally accredited by an accrediting body recognized by the United States department of education to grant graduate degrees or authorized by provincial statute or royal charter to grant doctoral degrees; or

(b) a foreign college or university deemed to be equivalent to Article V, subsection (B)(1)(a), by a foreign credential evaluation service that is a member of the national association of credential evaluation services or by a recognized foreign credential evaluation service;

(2) must hold a graduate degree in psychology that meets the following criteria:

(a) the program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must

specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists.

(b) the psychology program must stand as a recognizable, coherent, organizational entity within the institution;

(c) there must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(d) the program must consist of an integrated, organized sequence of study;

(e) there must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

(f) the designated director of the program must be a psychologist and a member of the core faculty;

(g) the program must have an identifiable body of students who are matriculated in that program for a degree;

(h) the program must include supervised practicum, internship, or field training appropriate to the practice of psychology;

(i) the curriculum must encompass a minimum of 3 academic years of full-time graduate study for doctoral degree and a minimum of 1 academic year of full-time graduate study for master's degree; and

(j) the program includes an acceptable residency as defined by the rules of the commission;

(3) must possess a current, full, and unrestricted license to practice psychology in a home state that is a compact state;

(4) may not have a history of adverse action that violates the rules of the commission;

(5) may not have a criminal record history that violates the rules of the commission;

(6) must possess a current, active interjurisdictional practice certificate.

(7) shall provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the commission; and

(8) shall meet other criteria as defined by the rules of the commission.

(C) A psychologist practicing into a distant state under the temporary authorization to practice shall practice within the scope of practice authorized by the distant state.

(D) A psychologist practicing into a distant state under the temporary authorization to practice will be subject to the distant state's authority and law. A distant state may, in accordance with that state's due process law, limit or revoke a psychologist's temporary authorization to practice in the distant state and may take any other necessary actions under the distant state's applicable law to protect health and safety of the distant state's citizens. If a distant state takes action, the state shall promptly notify the home state and the commission.

(E) If a psychologist's license in any home state or another compact state or any temporary authorization to practice in any distant state is restricted, suspended, or otherwise limited, the interjurisdictional practice certificate must be revoked and therefore the psychologist may not be eligible to practice in a compact state under the temporary authorization to practice.

ARTICLE VI

CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

(A) A psychologist may practice in a receiving state under the authority to practice interjurisdictional telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate state psychology

regulatory authority as defined in the rules of the commission and under the following circumstances:

(1) the psychologist initiates a client or patient contact in a home state via telecommunications technologies with a client or patient in a receiving state; and

(2) other conditions regarding telepsychology as determined by the rules promulgated by the commission.

ARTICLE VII
ADVERSE ACTIONS

(A) A home state must have the power to impose adverse action against a psychologist's license issued by the home state. A distant state must have the power to take adverse action on a psychologist's temporary authorization to practice in the distant state.

(B) A receiving state may take adverse action on a psychologist's authority to practice interjurisdictional telepsychology within that receiving state. A home state may take adverse action against a psychologist based on an adverse action taken by a distant state regarding temporary in-person, face-to-face practice.

(C) If a home state takes adverse action against a psychologist's license, that psychologist's authority to practice interjurisdictional telepsychology is terminated and the e.passport is revoked. The psychologist's temporary authorization to practice is also terminated and the interjurisdictional practice certificate is revoked.

(1) All home state disciplinary action orders that impose adverse action must be reported to the commission in accordance with the rules promulgated by the commission. A compact state shall report adverse actions in accordance with the rules of the commission.

(2) In the event discipline is reported on a psychologist, the psychologist may not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the rules of the commission.

(3) Other actions may be imposed as determined by the rules promulgated by the commission.

(D) A home state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee that occurred in a receiving state as it would if such conduct had occurred by a licensee within the home state. In such cases, the home state's law must control in determining any adverse action against a psychologist's license.

(E) A distant state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under temporary authorization practice that occurred in that distant state as it would if such conduct had occurred by a licensee within the home state. In such cases, the distant state's law must control in determining any adverse action against a psychologist's temporary authorization to practice.

(F) Nothing in this compact may override a compact state's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation must remain nonpublic if required by the compact state's law. Compact states shall require psychologists who enter any alternative programs to not provide telepsychology services under the authority to practice interjurisdictional telepsychology or provide temporary psychological services under the temporary authorization to practice in any other compact state during the term of the alternative program.

(G) No other judicial or administrative remedies may be available to a psychologist in the event a compact state imposes an adverse action pursuant to Article VII, subsection (C), above.

ARTICLE VIII

ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY REGULATORY AUTHORITY

(A) In addition to any other powers granted under state law, a compact state's psychology regulatory authority must have the authority under this compact to:

(1) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a compact state's psychology regulatory authority for the attendance and testimony of witnesses or the production of evidence, or both, from another compact state must be enforced in the latter state by any court of competent jurisdiction according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state psychology regulatory authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence are located.

(2) issue cease and desist or injunctive relief orders, or both, to revoke a psychologist's authority to practice interjurisdictional telepsychology and temporary authorization to practice.

(3) During the course of any investigation, a psychologist may not change the psychologist's home state licensure. A home state psychology regulatory authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The home state psychology regulatory authority shall promptly report the conclusions of such investigations to the commission. Once an investigation has been completed, and pending the outcomes of the investigation, the psychologist may change the psychologist's home state licensure. The commission shall promptly notify the new home state of any such decisions as provided in the rules of the commission. All information provided to the commission or distributed by compact states pursuant to the psychologist must be confidential, filed under seal, and used for investigatory or disciplinary matters. The commission may create additional rules for mandated or discretionary sharing of information by compact states.

ARTICLE IX

COORDINATED LICENSURE INFORMATION SYSTEM

(A) The commission shall provide for the development and maintenance of a coordinated licensure information system and reporting system containing licensure and disciplinary action information on all psychologist individuals to whom this compact is applicable in all compact states as defined by the rules of the commission.

(B) Notwithstanding any other provision of state law to the contrary, a compact state shall submit a uniform data set to the coordinated database on all licensees as required by the rules of the commission, including:

(1) identifying information;

(2) licensure data;

(3) significant investigatory information;

(4) adverse actions against a psychologist's license;

(5) an indicator that a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice is revoked;

(6) nonconfidential information related to alternative program participation information;

(7) any denial of application for licensure, and the reasons for such denial; and

(8) other information that may facilitate the administration of this compact, as determined by the rules of the commission.

(C) The coordinated database administrator shall promptly notify all compact states of any adverse action taken against or significant investigative information on any licensee in a compact state.

(D) Compact states reporting information to the coordinated database may designate information that may not be shared with the public without the express permission of the compact state reporting the information.

(E) Any information submitted to the coordinated database that is subsequently required to be expunged by the law of the compact state reporting the information must be removed from the coordinated database.

ARTICLE X

ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION

(A) The compact states hereby create and establish a joint public agency known as the psychology interjurisdictional compact commission.

(1) The commission is a body politic and an instrumentality of the compact states.

(2) Venue is proper and judicial proceedings by or against the commission must be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact may be construed to be a waiver of sovereign immunity.

(B) Membership, Voting, and Meetings

(1) The commission shall consist of one voting representative appointed by each compact state who shall serve as that state's commissioner. The state psychology regulatory authority shall appoint its delegate. This delegate must be empowered to act on behalf of the compact state. This delegate must be limited to:

(a) an executive director, executive secretary, or similar executive;

(b) a current member of the state psychology regulatory authority of a compact state; or

(c) a designee empowered with the appropriate delegate authority to act on behalf of the compact state.

(2) Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed. Any vacancy occurring in the commission must be filled in accordance with the laws of the compact state in which the vacancy exists.

(3) Each commissioner must be entitled to one vote with regard to the promulgation of rules and creation of bylaws and must otherwise have an opportunity to participate in the business and affairs of the commission. A commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for commissioners' participation in meetings by telephone or other means of communication.

(4) The commission shall meet at least once during each calendar year. Additional meetings must be held as set forth in the bylaws.

(5) All meetings must be open to the public, and public notices of meetings must be given in the same manner as required under the rulemaking provisions in Article XI.

(6) The commission may convene in a closed, nonpublic meeting if the commission must discuss:

(a) noncompliance of a compact state with its obligations under the compact;

(b) the employment, compensation, discipline, or other personnel matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(c) current, threatened, or reasonably anticipated litigation against the commission;

(d) the negotiation of contracts for the purchase or sale of goods, services, or real estate;

(e) an accusation against any person of a crime or formally censuring any person;

(f) disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(g) disclosure of information of a personal nature in which disclosure would constitute a clearly unwarranted invasion of personal privacy;

(h) disclosure of investigatory records compiled for law enforcement purposes;

(i) disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the compact; or

(j) matters specifically exempted from disclosure by federal or state statute.

(7) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons for each, including a description of the views expressed. All documents considered in connection with an action must be identified in such minutes. All minutes and documents of a closed meeting must remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

(C) The commission shall, by a majority vote of the commissioners, prescribe bylaws or rules, or both, to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including but not limited to:

(1) establishing the fiscal year of the commission;

(2) providing reasonable standards and procedures:

(a) for the establishment and meetings of other committees; and

(b) governing any general or specific delegation of any authority or function of the commission;

(3) providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings, and proprietary information, including trade secrets. The commission may meet in a closed session only after a majority of the commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the commission shall make public a copy of the vote to close the meeting revealing the vote of each commissioner with no proxy votes allowed.

(4) establishing the titles, duties, and authority and reasonable procedures for the election of the officers of the commission;

(5) providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar law of any compact state, the bylaws must exclusively govern the personnel policies and programs of the commission.

(6) promulgating a code of ethics to address permissible and prohibited activities of commission members and employees; and

(7) providing a mechanism for concluding the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment or reserving of all its debts and obligations.

(8) The commission shall publish its bylaws in a convenient form and file a copy of the bylaws and a copy of any amendments with the appropriate agency or officer in each of the compact states.

(9) The commission shall maintain its financial records in accordance with the bylaws.

(10) The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.

(D) The commission must have the following powers:

(1) the authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rule must have the force and effect of law and must be binding in all compact states.

(2) to bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state psychology regulatory authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law may not be affected;

(3) to purchase and maintain insurance and bonds;

(4) to borrow, accept, or contract for services of personnel, including but not limited to employees of a compact state;

(5) to hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(6) to accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same provided that at all times the commission shall strive to avoid any appearance of impropriety or conflict of interest;

(7) to lease, purchase, and accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any real, personal, or mixed property provided that at all times the commission shall strive to avoid any appearance of impropriety;

(8) to sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any real, personal, or mixed property;

(9) to establish a budget and make expenditures;

(10) to borrow money;

(11) to appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives and such other interested persons as may be designated in this compact and the bylaws;

(12) to provide and receive information from, and to cooperate with, law enforcement agencies;

(13) to adopt and use an official seal; and

(14) to perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation

of psychology licensure, temporary in-person, face-to-face practice, and telepsychology practice.

(E) The elected officers shall serve as the executive board, which must have the power to act on behalf of the commission according to the terms of this compact.

(1) The executive board must be comprised of six members:

(a) five voting members who are elected from the current members of the commission by the commission; and

(b) one ex-officio, nonvoting member from the recognized membership organization composed of state and provincial psychology regulatory authorities.

(2) The ex-officio member must have served as staff or member on a state psychology regulatory authority and will be selected by its respective organization.

(3) The commission may remove any member of the executive board as provided in the bylaws.

(4) The executive board shall meet at least annually.

(5) The executive board must have the following duties and responsibilities:

(a) recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact states such as annual dues, and any other applicable fees;

(b) ensure compact administration services are appropriately provided, contractual or otherwise;

(c) prepare and recommend the budget;

(d) maintain financial records on behalf of the commission;

(e) monitor compact compliance of member states and provide compliance reports to the commission;

(f) establish additional committees as necessary; and

(g) other duties as provided in rules or bylaws.

(F) Financing the Commission

(1) The commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(3) The commission may levy on and collect an annual assessment from each compact state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount must be allocated based upon a formula to be determined by the commission that shall promulgate a rule binding upon all compact states.

(4) The commission may not incur obligations of any kind prior to securing the funds adequate to meet the same. Nor shall the commission pledge the credit of any of the compact states, except by and with the authority of the compact state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission must be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission must be audited yearly by a certified or licensed public accountant and the report of the audit must be included in and become part of the annual report to the commission.

(G) Qualified Immunity, Defense, and Indemnification

(1) The members, officers, executive director, employees, and representatives of the commission must be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that nothing in this paragraph may be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

(2) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that nothing herein may be construed to prohibit that person from retaining his or her own counsel and provided, further, that the actual or alleged act, error, or omission did not result from the person's intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

ARTICLE XI

RULEMAKING

(A) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this article and the rules adopted pursuant to this article. Rules and amendments must become binding as of the date specified in each rule or amendment.

(B) If a majority of the legislature of the compact states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule may not have further force and effect in any compact state.

(C) Rules or amendments to the rules must be adopted at a regular or special meeting of the commission.

(D) Prior to promulgation and adoption of a final rule or rules by the commission, and at least 60 days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) on the website of the commission; and

(2) on the website of each compact states' psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.

(E) The notice of proposed rulemaking must include:

(1) the proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

(2) the text of the rule or amendment and the reason for the proposed rule;

(3) a request for comments on the proposed rule from any interested person; and

(4) the manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

(F) Prior to adoption of a proposed rule, the commission shall allow a person to submit written data, facts, opinions, and arguments that must be made available to the public.

(G) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

(1) at least 25 persons who submit comments independently of each other;

(2) a governmental subdivision or agency; or

(3) a duly appointed person in an association that has at least 25 members.

(H) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing.

(1) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

(2) Hearings must be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(3) No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection may not preclude the commission from making a transcript or recording of the hearing if it so chooses.

(4) Nothing in this article may be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this article.

(I) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

(J) The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking records and the full text of the rule.

(K) If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

(L) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this article must be retroactively applied to the rule as soon as reasonably possible, and in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

(1) meet an imminent threat to public health, safety, or welfare;

(2) prevent a loss of commission or compact state funds;

(3) meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

(4) protect public health and safety.

(M) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of

correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions must be posted on the website of the commission. The revision must be subject to challenge only on grounds that the revision results in a material change to a rule. A challenge must be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

ARTICLE XII
OVERSIGHT, DISPUTE RESOLUTION,
AND ENFORCEMENT

(A) Oversight

(1) The executive, legislative, and judicial branches of state government in each compact state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated pursuant to the compact must have standing as statutory law.

(2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a compact state pertaining to the subject matter of this compact that may affect the powers, responsibilities, or actions of the commission.

(3) The commission must be entitled to receive service of process in any such proceeding and must have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission must render a judgment or order void as to the commission, this compact, or promulgated rules.

(B) Default, Technical Assistance, and Termination

(1) If the commission determines that a compact state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(a) provide written notice to the defaulting state and other compact states of the nature of the default, the proposed means of remedying the default, and any other action to be taken by the commission; and

(b) provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to remedy the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compact states, and all rights, privileges, and benefits conferred by this compact must be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in the compact must be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate must be submitted by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the compact states.

(4) A compact state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(5) The commission may not bear any costs incurred by the state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

(6) The defaulting state may appeal the action of the commission by petitioning the United States district court for the northern, middle, or southern districts of Georgia or the federal district where the commission has its principal offices. The prevailing member must be awarded all costs of such litigation, including reasonable attorney fees.

(C) Dispute Resolution

(1) Upon request by a compact state, the commission shall attempt to resolve disputes related to the compact that arise among compact states and between compact and non-compact states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the commission.

(D) Enforcement

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the United States district court for the northern, middle, or southern districts of Georgia or the federal district where the commission has its principal offices against a compact state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member must be awarded all costs of such litigation, including reasonable attorney fees.

(3) The remedies identified in the compact may not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

ARTICLE XIII

DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENTS

(A) The compact must come into effect on the date on which the compact is enacted into law in the seventh compact state. The provisions which become effective at that time must be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

(B) Any state that joins the compact subsequent to the commission's initial adoption of the rules must be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission must have the full force and effect of law on the day the compact becomes law in that state.

(C) Any compact state may withdraw from this compact by enacting a statute repealing the same.

(1) A compact state's withdrawal may not take effect until six months after enactment of the repealing statute.

(2) Withdrawal may not affect the continuing requirement of the withdrawing state's psychology regulatory authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

(D) Nothing contained in this compact may be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a compact state and a non-compact state that does not conflict with the provisions of this compact.

(E) This compact may be amended by the compact states. No amendment to this compact may become effective and binding upon any compact state until it is enacted into the law of all compact states.

ARTICLE XIV

CONSTRUCTION AND SEVERABILITY

This compact must be liberally construed as to effectuate the purposes of the compact. If this compact must be held contrary to the constitution of any state member to the compact, the compact must remain in full force and effect as to the remaining compact states.

Section 2. Section 37-17-202, MCA, is amended to read:

"**37-17-202. Powers.** (1) The board may make reasonable and necessary rules for the proper performance of its duties and for the regulation of proceedings before it.

(2) In addition to the other powers and duties set forth, the board may:

(a) revoke and suspend licenses;

(b) conduct hearings upon complaints concerning persons licensed under this chapter;

(c) cause the prosecution and enjoinder of all persons violating this chapter, by the complaint of its secretary signed with the county attorney, in the county where the violation took place and incur necessary expenses for the prosecution; and

(d) study and review new developments in research, training, and the practice of psychology and make recommendations to the governor and other state officials regarding new and revised programs and legislation related to psychology which could be beneficial to the citizens of the state of Montana.

(3) (a) The board shall require each applicant for licensure as a psychologist to submit a full set of the applicant's fingerprints to the board for the purpose of obtaining a state and federal criminal history background check.

(b) Each license applicant is responsible to pay all fees charged in relation to obtaining the state and federal criminal history background check.

(c) The board may require a licensee renewing a license to submit a full set of the licensee's fingerprints to the board for the purpose of obtaining a state and federal criminal history background check.

(c) The Montana department of justice may share the fingerprint data obtained under this subsection (3) with the federal bureau of investigation."

Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 37, chapter 17, and the provisions of Title 37, chapter 17, apply to [section 1].

Approved April 16, 2025

CHAPTER NO. 128

[HB 238]

AN ACT GENERALLY REVISING LAWS RELATED TO MENTAL AND PHYSICAL EVALUATIONS FOR PROFESSIONAL LICENSEES; CREATING A STANDARD REVIEW PROCESS FOR A MENTAL OR PHYSICAL EVALUATION REQUEST BY A BOARD OF A LICENSEE OR LICENSE APPLICANT; CREATING A STANDARD REVIEW PROCESS FOR A MENTAL OR PHYSICAL EVALUATION REQUEST BY THE DEPARTMENT OF LABOR AND INDUSTRY OF A LICENSEE OR LICENSE APPLICANT; AND AMENDING SECTIONS 37-3-323, 37-6-311, AND 37-12-322, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Mental and physical evaluations. (1) If the alternative health care board, board of behavioral health, board of veterinary medicine, or any board licensing medical practitioners defined in 37-2-101 has objective and reasonable belief that a licensee or license applicant presents a significant risk of substantial harm to public health and safety, the board may require an evaluation of the licensee or license applicant by an appropriate medical provider.

(2) The evaluation in subsection (1) must determine to what extent and how any existing mental or physical impairment or disability or use of controlled substances by the individual may impact the individual's performance of the profession or occupation with reasonable skill and safety. The factors to be considered include but are not limited to:

(a) the duration of the risk;

(b) the nature and severity of the potential harm;

(c) the likelihood that the potential harm will occur; and

(d) the imminence of the potential harm.

(3) The board may consider additional mental or physical evaluations and may base a proposed disciplinary or enforcement action on a single evaluation or the totality of any evaluations considered.

(4) The board may summarily suspend the license of or suspend processing the application of an individual who refuses to submit to the evaluation.

Section 2. Mental and physical evaluations. (1) If the department, on behalf of a health care program, has objective and reasonable belief that a licensee or license applicant presents a significant risk of substantial harm to public health and safety, the department may require an evaluation of the licensee or license applicant by an appropriate medical provider.

(2) The evaluation in subsection (1) must determine to what extent and how any existing mental or physical impairment or disability or use of controlled substances by the individual may impact the individual's performance of the profession or occupation with reasonable skill and safety. The factors to be considered include but are not limited to:

(a) the duration of the risk;

(b) the nature and severity of the potential harm;

(c) the likelihood that the potential harm will occur; and

(d) the imminence of the potential harm.

(3) The department may consider additional mental or physical evaluations and may base a proposed disciplinary or enforcement action on a single evaluation or the totality of any evaluations considered.

(4) The department may summarily suspend the license of or suspend processing the application of an individual who refuses to submit to the evaluation.

Section 3. Section 37-3-323, MCA, is amended to read:

"**37-3-323. Suspension of license -- investigation.** (1) The department may investigate whenever the department learns of a reason to suspect that a license applicant or a person having a license to practice medicine in this state:

(a) is mentally or physically unable to safely engage in the practice of medicine, has procured a license to practice medicine by fraud or misrepresentation or through mistake, has been declared incompetent by a court of competent jurisdiction and has not later been lawfully declared competent, or has a condition that impairs the person's intellect or judgment to the extent that the condition incapacitates the person for the safe performance of professional duties;

(b) has engaged in unprofessional conduct;

(c) has practiced medicine with a suspended or revoked license;

(d) has had a license to practice medicine suspended or revoked by any licensing authority for reasons other than nonpayment of fees; or

(e) while under probation has violated the terms of probation.

(2) The investigation must be for the purpose of determining the probability of the existence of these conditions or the commission of these offenses ~~and may, upon order of the board, include requiring the person to submit to a physical examination or a mental examination, or both, by a physician or physicians selected by the board or the board's representative if the board considers that the evaluation is in the best interests of the public~~. The board may examine and scrutinize the ~~hospital~~ *medical* records and reports of a licensee or license applicant ~~as part of the examination~~ *from examination as part of the investigation*, and copies must be released to the board on written request. *Any examination of a physician must be conducted by a physician approved by the board or the board's designee.*

(3) If a person holding a license to practice medicine under this chapter is by a final order or adjudication of a court of competent jurisdiction adjudged to be mentally incompetent, to be addicted to the use of addictive substances, or to have been committed pursuant to 53-21-127, the person's license may be suspended by the board. The suspension continues until the licensee is found or adjudged by the court to be restored to reason or cured or until the person is discharged as restored to reason or cured and the person's professional competence has been proved to the satisfaction of the board."

Section 4. Section 37-6-311, MCA, is amended to read:

"**37-6-311. Refusal or revocation of license -- investigation.** (1) After notice and opportunity for a hearing, the board may deny, revoke, or refuse to renew a license to practice podiatry if the consensus of the board is that an applicant is not of good moral character or has engaged in unprofessional conduct.

(2) The department may investigate whenever it is brought to its attention that a licensed podiatrist:

(a) is mentally or physically unable to engage safely in the practice of podiatry;

(b) has procured the license by fraud, misrepresentation, or through error;

(c) has been declared incompetent by a court of competent jurisdiction and has not later been lawfully declared competent;

(d) has a condition that impairs the licensee's intellect or judgment to the extent that it incapacitates the licensee in the safe performance of professional duties;

(e) has been found guilty of unprofessional conduct;

(f) has practiced podiatry while the license was suspended or revoked;

(g) has had the license suspended or revoked by any licensing authority for reasons other than nonpayment of fees; or

(h) while under probation has violated its terms.

(3) The investigation must be for the purpose of determining the probability that the alleged conditions exist or that the alleged offenses were committed. ~~Upon order of the board, the investigation may include requiring the person to submit to a physical examination or a mental examination, or both, by a physician or physicians selected by the board if it appears to be in the best interest of the public that this evaluation be secured.~~ The board may examine the ~~hospital~~ *medical* records and reports of a licensee ~~as part of the examination~~ *from the examination as part of the investigation*, and copies must be released to the board on written request.

(4) If a person holding a license to practice podiatry under this chapter is by a final order or adjudication of a court of competent jurisdiction determined to be mentally incompetent, to be addicted to the use of narcotics, or to have been committed pursuant to 53-21-127, the license may be suspended by the board. The suspension continues until the licensee is found by the court to be restored to reason or cured or until the licensee is discharged as restored to reason or cured and the licensee's professional competence has been proved to the satisfaction of the board."

Section 5. Section 37-12-322, MCA, is amended to read:

"**37-12-322. Investigation of complaints.** (1) The department may make an investigation whenever it is brought to its attention that there is reason to suspect that a person licensed to practice chiropractic:

(a) has a mental or physical condition that renders the person unable to safely engage in the practice of chiropractic;

(b) has been declared incompetent or has been committed pursuant to 53-21-127 by a court of competent jurisdiction and has not later been declared competent or released from supervision;

(c) has procured the license through mistake;

(d) has been guilty of unprofessional conduct;

(e) has practiced chiropractic while the license was suspended or revoked;

(f) has while under probation violated its terms.

(2) The investigation must be for the purpose of determining the probability of the existence of these conditions or the commission of these offenses ~~and may, upon order of the board, include requiring the person to submit to a physical or mental examination, or both, by a physician or physicians selected by the board if it appears to be in the best interests of the public that this evaluation be secured~~. The board may examine the ~~hospital~~ *medical* records and reports of the licensee ~~as part of the examination~~ *from the examination as part of the investigation*, and copies of these must be released to the board on written request."

Section 6. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 37, chapter 1, part 3, and the provisions of Title 37, chapter 1, part 3, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 37, chapter 1, part 4, and the provisions of Title 37, chapter 1, part 4, apply to [section 2].

Approved April 16, 2025

CHAPTER NO. 129

[HB 227]

AN ACT ESTABLISHING A CONTINGENT LITIGATION FUND FOR OCCUPATIONAL LICENSING BOARDS AND PROGRAMS; PROVIDING FOR USES OF THE FUND; PROVIDING FOR BOARDS AND PROGRAMS SUBJECT TO CONTRIBUTION OF THE FUND; PROVIDING RULEMAKING AUTHORITY; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Contingent litigation fund -- uses -- fees -- rulemaking authority. (1) There is an account in the state special revenue fund for contingent litigation fees. The money in the account is statutorily appropriated,

as provided in 17-7-502, to the department of labor and industry and must be used to pay the legal fees and costs associated with the discipline of a license issued by a licensing board created under Title 2, chapter 15, part 17, or a licensing program recognized by 37-1-401.

(a) Fees and costs may only be paid from the fund if the actual fees and costs of the disciplinary proceeding exceed $15,000. Subject to the availability of funds, money may be transferred to the board or program for all fees and costs exceeding $15,000.

(b) The fees and costs may continue to be paid from the fund if the board or program becomes ineligible to participate in the fund pursuant to subsection (4).

(c) The department is authorized to make rules relating to the distribution of the fund, including the priority to the allocation of the fund.

(2) The department may not use the funding provided in this section to pay costs, fees, penalties, or sanctions ordered against a board or program.

(3) The department is authorized to set a fee by rule that:

(a) (i) may not exceed $25 a year for each licensee;

(ii) must be paid by licensees as part of their initial or renewal application fee; and

(iii) must be the same for all licenses of boards subject to this section;

(b) may not be collected in any fiscal year in which the total fund balance on March 31 exceeds $300,000; and

(c) is solely applicable to licensees of boards or programs identified in subsection (4).

(4) A board or program with revenue of $200,000 or less based on a preceding fiscal 3-year rolling average is subject to this section.

(5) Interest and income earned on the account and any unspent or unencumbered money in the account at the end of a fiscal year must remain in the account.

Section 2. Section 17-7-502, MCA, is amended to read:

"**17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 5-13-404; 7-4-2502; 7-4-2924; 7-32-236; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-316; 10-3-802; 10-3-1304; 10-4-304; 10-4-310; 15-1-121; 15-1-142; 15-1-143; 15-1-218; 15-1-2302; 15-31-165; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-128; 15-70-131; 15-70-132; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-6-214; 17-7-133; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-3-369; 20-7-1709; 20-8-107; 20-9-250; 20-9-534; 20-9-622; [20-15-328]; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; [22-3-1004]; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; *[section 1];* 37-43-204; 37-50-209; 37-54-113;

39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-4-1506; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-5-530; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-150; 76-13-151; 76-13-417; 76-17-103; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-2-203; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 87-5-909; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and any costs or fees associated with issuing, paying, securing, redeeming, or defeasing all bonds, notes, or other obligations, as due in the ordinary course or when earlier called for redemption or defeased, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 1, 2, 3, Ch. 139, L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004 terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30, 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; pursuant to sec. 1, Ch. 20, L. 2023, sec. 2, Ch. 20, L. 2023, and sec. 3, Ch. 20, L. 2023, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2029; pursuant to sec. 9, Ch. 44, L. 2023, the inclusion of 15-1-142 terminates December 31, 2025; pursuant to sec. 10, Ch. 47, L. 2023, the inclusion of 15-1-2302 terminates June 30, 2025; pursuant to sec. 2, Ch. 374, L. 2023, the inclusion of 10-3-802 terminates June 30, 2031; pursuant to sec. 12, Ch. 558, L. 2023, the inclusion of 20-9-250 terminates December 31, 2029; pursuant to sec. 4, Ch. 621, L. 2023, the inclusion of 22-1-327 terminates July 1, 2029; pursuant to sec. 24, Ch. 722, L. 2023, the inclusion of 17-7-133 terminates June 30, 2027; pursuant to sec. 10, Ch. 758, L. 2023, the inclusion of 44-4-1506 terminates June 30, 2027; and pursuant to sec. 10, Ch. 764, L. 2023, the inclusion of 15-1-143 terminates December 31, 2025.)"

Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 37, chapter 1, part 1, and the provisions of Title 37, chapter 1, part 1, apply to [section 1].

Section 4. Effective date. [This act] is effective July 1, 2025.

Section 5. Termination. [This act] terminates June 30, 2031. Any money in the fund must be disbursed on a pro rata basis to the boards or programs covered by [section 1] at the time of disbursement.

Approved April 16, 2025

CHAPTER NO. 130

[HB 218]

AN ACT REVISING THE PRACTICE OF OPTOMETRY TO INCLUDE CERTAIN IN-OFFICE SURGICAL PROCEDURES AND LASER SURGICAL PROCEDURES; AMENDING SECTIONS 37-10-101 AND 37-10-302, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 37-10-101, MCA, is amended to read:

"**37-10-101. Definitions -- practice of optometry.** (1) The practice of optometry is the profession constituting the art and science of visual care and includes any one of the following acts:

(a) the optometric examination or optometric diagnosis of all of those physiological or anatomical parts or functions that consummate the process of human vision to ascertain the presence of abnormal conditions or functions that may be optometrically diagnosed, corrected, remedied, ~~or~~ relieved*, or enhanced*;

(b) the employment of any optometric means for the purpose of detecting any condition of the process of vision that may have any significance in a complete optometric eye and vision examination, including the employment and administration of drugs topically applied for examination purposes~~, limited to cycloplegics, mydriatics, topical anesthetics, dyes such as fluorescein, and for emergency use only, miotics~~;

(c) the application or prescription of ophthalmic lenses, contact lenses, prisms, orthoptics, visual training, and any physical, mechanical, or physiological therapy and the furnishing or application of any prosthetic or therapeutic devices for the correction or relief of visual *or ocular* anomalies;

(d) the administration, dispensation, and prescription of the oral analgesics codeine, propoxyphene, hydrocodone, and dihydrocodeine, alone or in combination with nonscheduled or nonregulated drugs; and

(e) the administration, dispensation, and prescription of those drugs approved by the board for use in ocular treatment limited to ~~the anterior segment of~~ the eye and adnexa. Glaucoma may be treated.

(2) Subsection (1) does not prohibit an optometrist from removing from the eye or adnexa a foreign body that is not intraocular.

(3) Subsection (1) ~~does not allow~~ *allows* an optometrist to perform ~~surgery or laser surgery for any purpose~~ *in-office surgical procedures and laser surgical procedures limited to the anterior segment of the eye and adnexa, excluding penetrating intraocular surgery, intravitreal injection, and refractive surgery. An optometrist may perform laser surgical procedures only if the optometrist is certified by the board in accordance with 37-10-302.*

(4) Unless the context requires otherwise, in this chapter:

(a) "board" means the board of optometry provided for in 2-15-1736; and

(b) "department" means the department of labor and industry provided for in Title 2, chapter 15, part 17."

Section 2. Section 37-10-302, MCA, is amended to read:

"**37-10-302. Qualifications -- application.** (1) The board shall adopt rules relative to and governing the qualifications of applicants for licensure as optometrists *and the qualifications for certification of licensed optometrists to perform laser surgical procedures*.

(2) A person is not eligible to receive a license unless that person is of good moral character.

(3) A person is not eligible to receive a license unless that person has graduated from an accredited school of optometry in which the practice and science of optometry is taught in a course of study that is accredited by the association of regulatory boards of optometry.

(4) An applicant for a license shall file a completed application on a form provided by the department and pay a fee prescribed by the board.

(5) The board shall certify an optometrist to perform laser surgical procedures on verification that the optometrist has successfully completed the required didactic and clinical training from an accredited optometry school or college. The training must cover the use of lasers for medically recognized and appropriate treatment of the human eye. On certification, the board shall issue a license indicating that the optometrist is certified to perform laser surgery pursuant to this section."

Section 3. Effective date. [This act] is effective July 1, 2025.

Approved April 16, 2025

CHAPTER NO. 131

[HB 198]

AN ACT REVISING THE PROHIBITION ON CONTRACTS THAT RESTRICT THE PRACTICE OF SPECIFIED HEALTH CARE PROVIDERS; AMENDING SECTION 28-2-724, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 28-2-724, MCA, is amended to read:

"**28-2-724. Prohibition of contracts that restrict practice -- applicability -- exceptions.** (1) A contract that creates or establishes the terms of employment, a partnership, or any other form of professional relationship with a health care provider described in subsection (2), may not restrict the right of the health care provider*, after the termination of the employment, partnership, or other form of professional relationship,* to:

(a) practice or provide services for which the provider is licensed, in any geographic area and for any period~~, after the termination of the employment, partnership, or other form of professional relationship~~;

(b) treat, advise, consult with, or establish a provider-patient relationship with any current patient of the employer or with a patient affiliated with a partnership or other form of professional relationship; or

(c) solicit or seek to establish a provider-patient relationship with any current patient of the employer or with a patient affiliated with a partnership or other form of professional relationship.

(2) The requirements of subsection (1) apply to contracts or agreements involving the following health care providers:

(a) a ~~psychiatrist or addiction medicine~~ *psychiatrist or addiction medicine* physician licensed under Title 37, chapter 3;

(b) a psychologist licensed under Title 37, chapter 17;

(c) a naturopathic physician licensed under Title 37, chapter 26;

~~(c)~~*(d)* a social worker licensed under Title 37, chapter ~~22~~ *39*;

~~(d)~~*(e)* a professional counselor licensed under Title 37, chapter ~~23~~ *39*;

~~(e)~~*(f)* an addiction counselor licensed under Title 37, chapter ~~35~~ *39*;

~~(f)~~*(g)* a marriage and family therapist licensed under Title 37, chapter ~~37~~ *39*; ~~and~~

~~(g)~~*(h)* a behavioral health peer support specialist licensed under Title 37, chapter ~~38~~ *39;*

~~(h)~~*(i) a registered professional nurse or an advanced practice registered nurse licensed under Title, 37, chapter 8; or*

~~(i)~~*(j) a physician assistant licensed under Title 37, chapter 20.*

(3) This section does not apply to a contract in connection with the sale and purchase of a practice."

Section 2. Effective date. [This act] is effective on passage and approval.

Section 3. Applicability. [This act] applies to contracts made or renewed on or after [the effective date of this act].

Approved April 16, 2025

CHAPTER NO. 132

[HB 158]

AN ACT REVISING WORKING RETIREE PROVISIONS UNDER THE TEACHERS' RETIREMENT SYSTEM; AMENDING SECTION 19-20-732, MCA; AMENDING SECTION 4, CHAPTER 307, LAWS OF 2019, AND SECTION 4, CHAPTER 135, LAWS OF 2023; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 19-20-732, MCA, is amended to read:

"**19-20-732. (Temporary) Reemployment of certain retired teachers, specialists, and administrators -- procedure -- definitions.** (1) Subject to the provisions of this section:

(a) a teacher, specialist, or administrator who has been receiving a retirement allowance for no less than 2 months, except a disability retirement allowance pursuant to part 9 of this chapter, may be employed on a full-time basis by an employer for a maximum of ~~3 years~~ *5 years* during the lifetime of the retired member without the loss or interruption of any payments or retirement benefits if:

(i) the retired member completed 27 or more years of creditable service prior to retirement;

(ii) the retired member holds a valid certificate pursuant to the provisions of 20-4-106; and

(iii) each year, prior to employing a retired member, the employer certifies to the office of public instruction and to the retirement board that after having advertised the position for that year the employer has been unable to fill the position because the employer either has received no qualified applications or has not received an acceptance of an offer of employment made to a nonretired teacher, specialist, or administrator. The office of public instruction shall verify that the employer has advertised the position as required under this subsection (1)(a)(iii).

(b) the employer certification required by this section must include the retired member's name and social security number and a copy of the proposed contract of employment for the retired member;

(c) upon receipt of the employer's certification and of the proposed contract of employment, the retirement board shall verify whether the retired member meets the requirements of subsection (1)(a)(i) and shall notify the employer and the retired member of its findings;

(d) a retired member reemployed under this section is ineligible for active membership under 19-20-302 and is ineligible to receive service credit under any retirement system identified in Title 19; and

(e) the retirement board shall report to the education interim committee and the state administration and veterans' affairs interim committee, as provided in 5-11-210, regarding the implementation of and results arising from this section.

(2) An employer employing a retired member pursuant to this section shall contribute monthly to the retirement system an amount equal to the sum of the contribution rates required by 19-20-602, 19-20-604, 19-20-605, 19-20-607, 19-20-608, and 19-20-609.

(3) A retired member reemployed pursuant to this section is exempt from the earnings and employment limits provided in 19-20-731.

(4) If reemployed in a position covered by a collective bargaining agreement pursuant to Title 39, chapter 31, the retired member is subject to all the terms and conditions of the agreement and is entitled to all the benefits and protections of the agreement.

(5) The board may adopt rules to implement this section.

(6) As used in this section, the following definitions apply:

(a) "Employer" means a school district as defined in 20-6-101 and 20-6-701 that employs a retired member and is a second-class or third-class elementary district under 20-6-201 or a second-class or third-class high school district under 20-6-301.

(b) "Year" means all or any part of a school year. (Terminates June 30, ~~2027~~ *2029*~~--sec. 4, Ch. 135, L. 2023~~.)

19-20-732. (Effective July 1, ~~2027~~ *2029*) Reemployment of certain retired teachers, specialists, and administrators -- procedure -- definitions. (1) Subject to the provisions of this section:

(a) a teacher, specialist, or administrator who has been receiving a retirement allowance for no less than 2 months, except a disability retirement allowance pursuant to part 9 of this chapter, may be employed on a full-time basis by an employer for a maximum of 3 years during the lifetime of the retired member without the loss or interruption of any payments or retirement benefits if:

(i) the retired member completed 30 or more years of creditable service prior to retirement;

(ii) the retired member holds a valid certificate pursuant to the provisions of 20-4-106; and

(iii) each year, prior to employing a retired member, the employer certifies to the office of public instruction and to the retirement board that after having advertised the position for that year the employer has been unable to fill the position because the employer either has received no qualified applications or has not received an acceptance of an offer of employment made to a nonretired teacher, specialist, or administrator;

(b) the employer certification required by this section must include the retired member's name and social security number and a copy of the proposed contract of employment for the retired member;

(c) upon receipt of the employer's certification and of the proposed contract of employment, the retirement board shall verify whether the retired member

meets the requirements of subsection (1)(a)(i) and shall notify the employer and the retired member of its findings;

(d) a retired member reemployed under this section is ineligible for active membership under 19-20-302 and is ineligible to receive service credit under any retirement system identified in Title 19; and

(e) the retirement board shall report to the education interim committee and the state administration and veterans' affairs interim committee in accordance with 5-11-210 regarding the implementation of and results arising from this section.

(2) An employer employing a retired member pursuant to this section shall contribute monthly to the retirement system an amount equal to the sum of the contribution rates required by 19-20-602, 19-20-604, 19-20-605, 19-20-607, 19-20-608, and 19-20-609.

(3) A retired member reemployed pursuant to this section is exempt from the earnings and employment limits provided in 19-20-731.

(4) If reemployed in a position covered by a collective bargaining agreement pursuant to Title 39, chapter 31, the retired member is subject to all the terms and conditions of the agreement and is entitled to all the benefits and protections of the agreement.

(5) The board may adopt rules to implement this section.

(6) As used in this section, the following definitions apply:

(a) "Employer" means a school district as defined in 20-6-101 and 20-6-701.

(b) "Year" means all or any part of a school year."

Section 2. Section 4, Chapter 307, Laws of 2019, is amended to read:

"Section 4. Termination. [This act] terminates June 30, ~~2025~~ *2029*."

Section 3. Section 4, Chapter 135, Laws of 2023, is amended to read:

"**Section 4.** Section 4, Chapter 307, Laws of 2019, is amended to read:

"Section 4. Termination. [This act] terminates June 30, ~~2025~~ ~~*2027*~~ *2029*.""

Section 4. Effective date. [This act] is effective July 1, 2025.

Section 5. Termination. [Section 1] terminates June 30, 2029.

Approved April 16, 2025

CHAPTER NO. 133

[HB 143]

AN ACT REVISING THE DEFINITION OF "TREATING PHYSICIAN" TO INCLUDE PHYSICIAN ASSISTANTS WITHOUT REGARD TO THE PROXIMITY OF OTHER PROVIDERS; AMENDING SECTIONS 39-71-116 AND 39-71-711, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 39-71-116, MCA, is amended to read:

"**39-71-116. Definitions.** Unless the context otherwise requires, in this chapter, the following definitions apply:

(1) "Actual wage loss" means that the wages that a worker earns or is qualified to earn after the worker reaches maximum healing are less than the actual wages the worker received at the time of the injury.

(2) "Administer and pay" includes all actions by the state fund under the Workers' Compensation Act necessary to:

(a) investigation, review, and settlement of claims;

(b) payment of benefits;

(c) setting of reserves;

(d) furnishing of services and facilities; and

(e) use of actuarial, audit, accounting, vocational rehabilitation, and legal services.

(3) "Aid or sustenance" means a public or private subsidy made to provide a means of support, maintenance, or subsistence for the recipient.

(4) "Beneficiary" means:

(a) a surviving spouse living with or legally entitled to be supported by the deceased at the time of injury;

(b) an unmarried child under 18 years of age;

(c) an unmarried child under 22 years of age who is a full-time student in an accredited school or is enrolled in an accredited apprenticeship program;

(d) an invalid child over 18 years of age who is dependent, as defined in 26 U.S.C. 152, upon the decedent for support at the time of injury;

(e) a parent who is dependent, as defined in 26 U.S.C. 152, upon the decedent for support at the time of the injury if a beneficiary, as defined in subsections (4)(a) through (4)(d), does not exist; and

(f) a brother or sister under 18 years of age if dependent, as defined in 26 U.S.C. 152, upon the decedent for support at the time of the injury but only until the age of 18 years and only when a beneficiary, as defined in subsections (4)(a) through (4)(e), does not exist.

(5) "Business partner" means the community, governmental entity, or business organization that provides the premises for work-based learning activities for students.

(6) "Casual employment" means employment not in the usual course of the trade, business, profession, or occupation of the employer.

(7) "Child" includes a posthumous child, a dependent stepchild, and a child legally adopted prior to the injury.

(8) (a) "Claims examiner" means an individual who, as a paid employee of the department, of a plan No. 1, 2, or 3 insurer, or of an administrator licensed under Title 33, chapter 17, examines claims under chapter 71 to:

(i) determine liability;

(ii) apply the requirements of this title;

(iii) settle workers' compensation or occupational disease claims; or

(iv) determine survivor benefits.

(b) The term does not include an adjuster as defined in 33-17-102.

(9) (a) "Construction industry" means the major group of general contractors and operative builders, heavy construction (other than building construction) contractors, and special trade contractors listed in major group 23 in the North American Industry Classification System Manual.

(b) The term does not include office workers, design professionals, salespersons, estimators, or any other related employment that is not directly involved on a regular basis in the provision of physical labor at a construction or renovation site.

(10) "Days" means calendar days, unless otherwise specified.

(11) "Department" means the department of labor and industry.

(12) "Direct result" means that a diagnosed condition was caused or aggravated by an injury or occupational disease.

(13) "Fiscal year" means the period of time between July 1 and the succeeding June 30.

(14) "Health care provider" means a person who is licensed, certified, or otherwise authorized by the laws of this state to provide health care in the ordinary course of business or practice of a profession.

(15) (a) "Household or domestic employment" means employment of persons other than members of the household for the purpose of tending to the aid and comfort of the employer or members of the employer's family, including but not limited to housecleaning and yard work.

(b) The term does not include employment beyond the scope of normal household or domestic duties, such as home health care or domiciliary care.

(16) (a) "Indemnity benefits" means any payment made directly to the worker or the worker's beneficiaries, other than a medical benefit. The term includes payments made pursuant to a reservation of rights.

(b) The term does not include stay-at-work/return-to-work assistance, auxiliary benefits, or expense reimbursements for items such as meals, travel, or lodging.

(17) "Insurer" means an employer bound by compensation plan No. 1, an insurance company transacting business under compensation plan No. 2, or the state fund under compensation plan No. 3.

(18) "Invalid" means one who is physically or mentally incapacitated.

(19) "Limited liability company" has the meaning provided in 35-8-102.

(20) "Maintenance care" means treatment designed to provide the optimum state of health while minimizing recurrence of the clinical status.

(21) "Medical stability", "maximum medical improvement", "maximum healing", or "maximum medical healing" means a point in the healing process when further material functional improvement would not be reasonably expected from primary medical services.

(22) "Objective medical findings" means medical evidence, including range of motion, atrophy, muscle strength, muscle spasm, or other diagnostic evidence, substantiated by clinical findings.

(23) (a) "Occupational disease" means harm, damage, or death arising out of or contracted in the course and scope of employment caused by events occurring on more than a single day or work shift.

(b) The term does not include a physical or mental condition arising from emotional or mental stress or from a nonphysical stimulus or activity.

(24) "Order" means any decision, rule, direction, requirement, or standard of the department or any other determination arrived at by the department.

(25) "Palliative care" means treatment designed to reduce or ease symptoms without curing the underlying cause of the symptoms.

(26) "Payroll", "annual payroll", or "annual payroll for the preceding year" means the average annual payroll of the employer for the preceding calendar year or, if the employer has not operated a sufficient or any length of time during the calendar year, 12 times the average monthly payroll for the current year. However, an estimate may be made by the department for any employer starting in business if average payrolls are not available. This estimate must be adjusted by additional payment by the employer or refund by the department, as the case may actually be, on December 31 of the current year. An employer's payroll must be computed by calculating all wages, as defined in 39-71-123, that are paid by an employer.

(27) "Permanent partial disability" means a physical condition in which a worker, after reaching maximum medical healing:

(a) has a permanent impairment, as determined by the sixth edition of the American medical association's Guides to the Evaluation of Permanent Impairment, that is established by objective medical findings for the ratable condition. The ratable condition must be a direct result of the compensable injury or occupational disease and may not be based exclusively on complaints of pain.

(b) is able to return to work in some capacity but the permanent impairment impairs the worker's ability to work; and

(c) has an actual wage loss as a result of the injury.

(28) "Permanent total disability" means a physical condition resulting from injury as defined in this chapter, after a worker reaches maximum medical healing, in which a worker does not have a reasonable prospect of physically performing regular employment. Lack of immediate job openings is not a factor to be considered in determining if a worker is permanently totally disabled.

(29) "Primary medical services" means treatment prescribed by the treating physician, for conditions resulting from the injury or occupational disease, necessary for achieving medical stability.

(30) "Prosthetic device" or "prosthesis" means an artificial substitute for a missing body part.

(31) "Public corporation" means the state or a county, municipal corporation, school district, city, city under a commission form of government or special charter, town, or village.

(32) "Reasonably safe place to work" means that the place of employment has been made as free from danger to the life or safety of the employee as the nature of the employment will reasonably permit.

(33) "Reasonably safe tools or appliances" are tools and appliances that are adapted to and that are reasonably safe for use for the particular purpose for which they are furnished.

(34) "Regular employment" means work on a recurring basis performed for remuneration in a trade, business, profession, or other occupation in this state.

(35) (a) "Secondary medical services" means those medical services or appliances that are considered not medically necessary for medical stability. The services and appliances include but are not limited to spas or hot tubs, work hardening, physical restoration programs and other restoration programs designed to address disability and not impairment, or equipment offered by individuals, clinics, groups, hospitals, or rehabilitation facilities.

(b) (i) As used in this subsection (35), "disability" means a condition in which a worker's ability to engage in gainful employment is diminished as a result of physical restrictions resulting from an injury. The restrictions may be combined with factors, such as the worker's age, education, work history, and other factors that affect the worker's ability to engage in gainful employment.

(ii) Disability does not mean a purely medical condition.

(36) "Sole proprietor" means the person who has the exclusive legal right or title to or ownership of a business enterprise.

(37) "State's average weekly wage" means the mean weekly earnings of all employees under covered employment, as defined and established annually by the department before July 1 and rounded to the nearest whole dollar number.

(38) "Temporary partial disability" means a physical condition resulting from an injury, as defined in 39-71-119, in which a worker, prior to maximum healing:

(a) is temporarily unable to return to the position held at the time of injury because of a medically determined physical restriction;

(b) returns to work in a modified or alternative employment; and

(c) suffers a partial wage loss.

(39) "Temporary service contractor" means a person, firm, association, partnership, limited liability company, or corporation conducting business that hires its own employees and assigns them to clients to fill a work assignment with a finite ending date to support or supplement the client's workforce in situations resulting from employee absences, skill shortages, seasonal workloads, and special assignments and projects.

(40) "Temporary total disability" means a physical condition resulting from an injury, as defined in this chapter, that results in total loss of wages and exists until the injured worker reaches maximum medical healing.

(41) "Temporary worker" means a worker whose services are furnished to another on a part-time or temporary basis to fill a work assignment with a finite ending date to support or supplement a workforce in situations resulting from employee absences, skill shortages, seasonal workloads, and special assignments and projects.

(42) "Treating physician" means the person who, subject to the requirements of 39-71-1101, is primarily responsible for delivery and coordination of the worker's medical services for the treatment of a worker's compensable injury or occupational disease and is:

(a) a physician licensed by the state of Montana under Title 37, chapter 3, and has admitting privileges to practice in one or more hospitals, if any, in the area where the physician is located;

(b) a chiropractor licensed by the state of Montana under Title 37, chapter 12;

(c) a physician assistant licensed by the state of Montana under Title 37, chapter 20~~, if there is not a treating physician, as provided for in subsection (42)(a), in the area where the physician assistant is located~~;

(d) an osteopath licensed by the state of Montana under Title 37, chapter 3;

(e) a dentist licensed by the state of Montana under Title 37, chapter 4;

(f) for a claimant residing out of state or upon approval of the insurer, a treating physician defined in subsections (42)(a) through (42)(e) who is licensed or certified in another state; or

(g) an advanced practice registered nurse licensed by the state of Montana under Title 37, chapter 8.

(43) "Work-based learning activities" means job training and work experience conducted on the premises of a business partner as a component of school-based learning activities authorized by an elementary, secondary, or postsecondary educational institution.

(44) "Year", unless otherwise specified, means calendar year."

Section 2. Section 39-71-711, MCA, is amended to read:

"**39-71-711. Impairment evaluation -- ratings.** (1) An impairment rating:

(a) is a purely medical determination and must be determined by an impairment evaluator after a claimant has reached maximum healing;

(b) must be based on the sixth edition of the American medical association Guides to the Evaluation of Permanent Impairment;

(c) must be expressed as a percentage of the whole person; and

(d) must be established by objective medical findings and may not be based exclusively on complaints of pain.

(2) A claimant or insurer, or both, may obtain an impairment rating from an evaluator if the injury falls within the scope of the evaluator's practice and if the evaluator is one of the following:

(a) a physician or an osteopath licensed under Title 37, chapter 3, with admitting privileges to practice in one or more hospitals, if any, in the area where the physician or osteopath is located;

(b) a chiropractor licensed under Title 37, chapter 12;

(c) a physician assistant licensed under Title 37, chapter 20~~, if there is not a physician as provided for in subsection (2)(a) in the area where the physician assistant is located~~;

(d) a dentist licensed under Title 37, chapter 4;

(e) an advanced practice registered nurse licensed under Title 37, chapter 8; or

(f) for a claimant residing out of state or upon approval of the insurer, an evaluator referred to in subsections (2)(a) through (2)(e) who is licensed or certified in another state.

(3) If the claimant and insurer cannot agree upon the rating, the mediation procedure in Title 39, chapter 71, part 24, must be followed.

(4) Disputes over impairment ratings are subject to the provisions of 39-71-605."

Section 3. Effective date. [This act] is effective on passage and approval.

Approved April 16, 2025

CHAPTER NO. 134

[HB 142]

AN ACT REVISING LAWS RELATED TO INTERIM COMMITTEE BILL DRAFTS; CLARIFYING THE TERM PARTISAN BASIS; INCREASING THE NUMBER OF DRAFT REQUESTS THAT CAN BE REQUESTED ON A PARTISAN BASIS; AMENDING SECTION 5-5-215, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 5-5-215, MCA, is amended to read:

"**5-5-215. Duties of interim committees.** (1) Each interim committee shall:

(a) review administrative rules within its jurisdiction;

(b) subject to 5-5-217(3), conduct interim studies as assigned;

(c) monitor the operation of assigned executive branch agencies with specific attention to the following:

(i) identification of issues likely to require future legislative attention;

(ii) opportunities to improve existing law through the analysis of problems experienced with the application of the law by an agency; and

(iii) experiences of the state's citizens with the operation of an agency that may be amenable to improvement through legislative action;

(d) review, if requested by any member of the interim committee, the statutorily established advisory councils and required reports of assigned agencies to make recommendations to the next legislature on retention or elimination of any advisory council or required reports pursuant to 5-11-210;

(e) review proposed legislation of assigned agencies or entities as provided in the joint legislative rules;

(f) accumulate, compile, analyze, and furnish information bearing upon its assignment and relevant to existing or prospective legislation as it determines, on its own initiative, to be pertinent to the adequate completion of its work; and

(g) review proposed statewide initiatives as defined in 13-27-110 within the interim committee's subject area and vote to either support or not support the placement of the text of the proposed statewide initiative on the ballot in accordance with 13-27-228.

(2) Each interim committee shall prepare bills and resolutions that, in its opinion, the welfare of the state may require for presentation to the next regular session of the legislature. An interim committee may by vote request

~~four~~ *five* bill drafts on a partisan basis and an unlimited number of bill drafts on a bipartisan basis.

(3) The legislative services division shall keep accurate records of the activities and proceedings of each interim committee.

(4) As used in this section:

(a) "bipartisan basis" means a vote in which members from more than one party vote to request a bill draft; and

(b) "partisan basis" means a vote in which members from only ~~one~~ *the majority* party vote to request a bill draft."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved April 16, 2025

CHAPTER NO. 135

[HB 128]

AN ACT PROTECTING VOLUNTEER EMERGENCY SERVICE PROVIDERS FROM TERMINATION BY A PUBLIC OR PRIVATE EMPLOYER UNDER CERTAIN CONDITIONS; AND PROVIDING FOR A LEGAL CAUSE OF ACTION FOR WRONGFUL TERMINATION.

Be it enacted by the Legislature of the State of Montana:

Section 1. Termination of volunteer emergency services provider prohibited -- conditions -- definition. (1) An agency may not terminate the employment of an employee who has completed the employee's probationary period because the employee has elected to serve as a volunteer emergency services provider or joined a volunteer emergency unit or organization, including but not limited to a municipal, rural, or subscription fire department.

(2) An employee who serves as a volunteer emergency services provider before [the effective date of this section] shall provide the agency with a written notification of the service within 30 days of [the effective date of this section]. An employee who joins a volunteer emergency unit or organization after [the effective date of this section] shall provide the agency with written notification within 30 days of joining the unit or organization. An employee hired by an agency shall provide the agency with written notification that the employee is a volunteer emergency services provider within 30 days of hire.

(3) (a) Except as provided in subsection (1), after written notification is provided, the agency may not terminate the employment of a volunteer emergency services provider if the employee is absent or late to work while performing volunteer emergency service duties during an emergency and the provisions in this subsection (3) are fulfilled.

(b) An employee who is a volunteer emergency services provider and is absent from or late to work while performing volunteer emergency service duties during an emergency shall notify the agency as soon as possible that the employee may be absent or late because of volunteer emergency service. If an employee's absence or delay would imperil public safety or prevent the agency from performing an essential function, the agency may require the employee to request and receive authorization prior to responding to an emergency.

(c) An agency may request that an employee who is a volunteer emergency service provider and is absent from or late to work provide a written statement from a supervisor of the volunteer emergency service organization that the employee responded to an emergency and provide the date, time, and duration of the emergency.

(d) An employee may not claim regular pay for the time that the employee is absent from or late to work while performing volunteer emergency service duties. If the pay was claimed, the agency may deduct that amount of regular pay for the time the employee was not present at work.

(4) An agency shall determine whether an employee may leave work to respond to an emergency as a part of the employee's volunteer emergency service.

(5) An employee whose employment is terminated in violation of this section may bring a civil action against the agency employer under 39-2-904. If the employee prevails in a civil action, the employee is entitled to the remedies in 39-2-905. The action must be commenced within 1 year after the date of termination of employment.

(6) For the purposes of this section, "volunteer emergency services provider" means a volunteer firefighter as defined in 7-33-4510, a volunteer who is an enrolled member of a volunteer fire department established under 7-33-4109, or a volunteer emergency medical technician as defined in 50-6-202, and who is not paid full-time by the entity for which the services are performed in the local service area.

Section 2. Termination of volunteer emergency services provider prohibited -- conditions -- definition. (1) An employer may not terminate the employment of an employee who has completed the employee's probationary period because the employee has elected to serve as a volunteer emergency services provider or joined a volunteer emergency unit or organization, including but not limited to a municipal, rural, or subscription fire department.

(2) An employee who serves as a volunteer emergency services provider before [the effective date of this section] shall provide the employer with a written notification of the service within 30 days of [the effective date of this section]. An employee who joins a volunteer emergency unit or organization after [the effective date of this section] shall provide the employer with written notification within 30 days of joining the unit or organization. An employee hired by an employer shall provide the employer with written notification that the employee is a volunteer emergency services provider within 30 days of hire.

(3) (a) Except as provided in subsection (1), after written notification is provided, the employer may not terminate the employment of a volunteer emergency services provider if the employee is absent or late to work while performing volunteer emergency service duties during an emergency and the provisions in this subsection (3) are fulfilled.

(b) An employee who is a volunteer emergency services provider and is absent from or late to work while performing volunteer emergency service duties during an emergency shall notify the employer as soon as possible that the employee may be absent or late because of volunteer emergency service. If an employee's absence or delay would imperil public safety or prevent the employer from performing an essential function, the employer may require the employee to request and receive authorization prior to responding to an emergency.

(c) An employer may request that an employee who is a volunteer emergency service provider and is absent from or late to work provide a written statement from a supervisor of the volunteer emergency service organization that the employee responded to an emergency and provide the date, time, and duration of the emergency.

(d) An employee may not claim regular pay for the time that the employee is absent from or late to work while performing volunteer emergency service duties. If the pay was claimed, the employer may deduct that amount of regular pay for the time the employee was not present at work.

(4) An employer shall determine whether an employee may leave work to respond to an emergency as a part of the employee's volunteer emergency service.

(5) An employee whose employment is terminated in violation of this section may bring a civil action against the employer under 39-2-904. If the employee prevails in a civil action, the employee is entitled to the remedies in 39-2-905. The action must be commenced within 1 year after the date of termination of employment.

(6) For the purposes of this section, "volunteer emergency services provider" means a volunteer firefighter as defined in 7-33-4510, a volunteer who is an enrolled member of a volunteer fire department established under 7-33-4109, or a volunteer emergency medical technician as defined in 50-6-202, and who is not paid full-time by the entity for which the services are performed in the local service area.

Section 3. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 2, chapter 18, part 6, and the provisions of Title 2, chapter 18, part 6, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 39, chapter 2, part 3, and the provisions of Title 39, chapter 2, part 3, apply to [section 2].

Approved April 16, 2025

CHAPTER NO. 136

[HB 67]

AN ACT GENERALLY REVISING ADMINISTRATIVE AND TAX QUALIFICATION PROVISIONS OF THE TEACHERS' RETIREMENT SYSTEM; CLARIFYING THE REPORTING DUTIES OF EMPLOYERS; CLARIFYING ELECTIVE MEMBERSHIP DEFERRAL FOR CERTAIN POSITIONS; CLARIFYING ACTIVE MEMBERSHIP AND DORMANT MEMBER STATUS; CLARIFYING THE PURCHASE OF DEFERRED ELECTIVE SERVICE; REVISING MANDATORY DISTRIBUTION PROVISIONS TO CONFORM WITH FEDERAL LAW; CLARIFYING DISABILITY RETIREMENT ALLOWANCE CALCULATIONS; PROVIDING DEFINITIONS; AMENDING SECTIONS 19-20-101, 19-20-208, 19-20-302, 19-20-303, 19-20-417, 19-20-703, AND 19-20-905, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 19-20-101, MCA, is amended to read:

"**19-20-101. Definitions.** As used in this chapter, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Accumulated contributions" or "account balance" means the sum of all the amounts deducted from the compensation of a member or paid by a member and credited to the member's individual account in the annuity savings account, together with interest, minus any amount deducted for correction of errors and the aggregate amount of all retirement benefit payments and refunds of accumulated contributions paid to or on behalf of the member.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of the mortality table and interest rate assumption set by the retirement board.

(3) "Alternate beneficiary" means an estate or an individual not designated as a beneficiary but that becomes a beneficiary pursuant to 19-20-1005.

(4) "Average final compensation" means a member's highest average earned compensation, determined pursuant to 19-20-805, on which all required contributions have been made.

(5) "Beneficiary designation" means the process that the retirement system prescribes pursuant to this chapter by which a person authorized by law designates one or more beneficiaries.

(6) "Beneficiary designation record" means either the hard copy form or electronic record prescribed by the retirement system and used by a person authorized by law to designate one or more beneficiaries.

(7) "Benefit recipient" means a retired member, a joint annuitant, or a beneficiary who is receiving a retirement allowance.

(8) "Contingent beneficiary" means a designated beneficiary with the right to receive any benefit or refund of accumulated contributions payable if there is no eligible primary beneficiary.

(9) "Creditable service" is that service defined by 19-20-401.

(10) "Date of termination" or "termination date" means the last date on which a member performed service in a position reportable to the retirement system.

(11) "Designated beneficiary" means one or more primary beneficiaries or contingent beneficiaries designated pursuant to 19-20-1006.

(12) (a) "Earned compensation" means, except as limited by subsections (12)(b) and (12)(c) or by 19-20-715, remuneration paid for the service of a member out of funds controlled by an employer before any pretax deductions allowed under the Internal Revenue Code are deducted.

(b) Earned compensation does not include:

(i) direct employer premium payments on behalf of members for medical, pharmaceutical, disability, life, vision, dental, or any other insurance;

(ii) any direct employer payment or reimbursement for:

(A) professional membership dues;

(B) maintenance;

(C) housing;

(D) day care;

(E) automobile, travel, lodging, or entertaining expenses; or

(F) any similar form of maintenance, allowance, or expenses;

(iii) the imputed value of health, life, or disability insurance or any other fringe benefits;

(iv) any noncash benefit provided by an employer to or on behalf of a member;

(v) termination pay unless included pursuant to 19-20-716;

(vi) compensation paid to a member from a plan for the deferral of compensation under section 457(f) of the Internal Revenue Code, 26 U.S.C. 457(f);

(vii) payment for sick, annual, or other types of leave paid to a member prior to termination from employment or accrued in excess of that normally allowed;

(viii) incentive or bonus payments paid to a member that are not part of a series of annual payments;

(ix) a professional stipend paid pursuant to 20-4-134; *or*

(x) any similar payment or reimbursement made to or on behalf of a member by an employer;.

(c) (i) Adding a direct employer-paid or noncash benefit to an employee's contract or subtracting the same or a similar amount as a pretax deduction is considered a fringe benefit and not earned compensation.

(ii) Cash paid in lieu of any direct employer-paid or noncash benefit that has previously been or would be paid or provided to or on behalf of the employee at the employee's request or direction is considered a fringe benefit and not earned compensation.

(13) "Employer" means:

(a) the state of Montana;

(b) a public school district, as provided in 20-6-101 and 20-6-701;

(c) the office of public instruction;

(d) the board of public education;

(e) an education cooperative;

(f) the Montana school for the deaf and blind, as described in 20-8-101;

(g) the Montana youth challenge program, as defined in 10-1-101;

(h) a correctional facility, as defined in 41-5-103;

(i) the Montana university system;

(j) a community college; or

(k) any other agency, political subdivision, or instrumentality of the state that employs a person who is designated a member of the retirement system pursuant to 19-20-302.

(14) "Extra duty service" means*:*

(a) service in an educational services capacity that is not compensated as part of the normally assigned duties and functions of a school district teacher, administrator, or other employee but is regularly assigned to one or more school district teachers, administrators, or other employees as part of the regular operation of the school district's curricular*, cocurricular,* ~~and~~ *or* extracurricular programs*; or*

(b) service not in an educational services capacity that is regularly assigned to a school district teacher, teacher's aide, paraprofessional, or administrator for the purposes of student supervision during school functions that are not part of the school district's regular curricular, cocurricular, or extracurricular programs.

(c) For the purposes of this subsection (14), "educational services capacity" has the same meaning as provided in 19-20-302(10).

(15) "Full-time service" means service that is:

(a) at least 180 days in a fiscal year;

(b) at least 140 hours a month during at least 9 months in a fiscal year; or

(c) at least 1,080 hours in a fiscal year under an alternative school calendar adopted by a school board and reported to the office of public instruction as required by 20-1-302. The standard for full-time service for a school district operating under an alternative school calendar must be applied uniformly to all employees of the school district required to be reported to the retirement system.

(16) "Individual" means a human being.

(17) "Internal Revenue Code" has the meaning provided in 15-30-2101.

(18) "Joint annuitant" means the one person that a retired member who has elected an optional allowance under 19-20-702(2), (4), or (5) has designated to receive a retirement allowance upon the death of the retired member.

(19) "Member" means a person who has an individual account in the annuity savings account. Unless otherwise specified, "member" refers to a tier one member or a tier two member.

(20) "Normal form" or "normal form benefit" means a monthly retirement benefit payable only for the lifetime of the retired member.

(21) "Normal retirement age" means an age no earlier than 60 years of age.

(22) "Part-time service" means service that is not full-time service. Part-time service must be credited in the proportion that the actual time worked compares to full-time service.

(23) "Position reportable to the retirement system" means a position in which an individual performs duties that would entitle the person to active membership in the retirement system under the provisions of 19-20-302.

(24) "Primary beneficiary" means a designated beneficiary with a first right to receive any benefit or refund of accumulated contributions payable upon the death of the individual authorized by law to make the designation.

(25) "Regular interest" means interest at a rate set by the retirement board in accordance with 19-20-501(2).

(26) "Retired", "retired member", or "retiree" means a person who is considered in retired member status under the provisions of 19-20-810.

(27) "Retirement allowance" or "retirement benefit" means a monthly payment due to a retired member who has qualified for service or disability retirement or due to a joint annuitant or beneficiary.

(28) "Retirement board" or "board" means the retirement system's governing board provided for in 2-15-1010.

(29) "Retirement system", "system", or "plan" means the teachers' retirement system of the state of Montana provided for in 19-20-102.

(30) "Service" means the performance of duties that would entitle the person to active membership in the retirement system under the provisions of 19-20-302.

(31) "Termination" or "terminate" means that the employment relationship between the member and the member's employer has been terminated as required in 19-20-810.

(32) (a) "Termination pay" means any form of bona fide vacation leave, sick leave, severance pay, amounts provided under a window or early retirement incentive plan, or other payments contingent on the employee terminating employment.

(b) Termination pay does not include:

(i) amounts that are not wages under section 3121 of the Internal Revenue Code, determined without regard to the wage base limitation; and

(ii) amounts that are payable to a member from a plan for the deferral of compensation under section 457(f) of the Internal Revenue Code, 26 U.S.C. 457(f).

(33) "Tier one member" means a person who became a member before July 1, 2013, and who has not withdrawn the member's account balance.

(34) "Tier two member" means a person who became a member on or after July 1, 2013, or who, after withdrawing the member's account balance, became a member again after July 1, 2013.

(35) "Vested" means that a member has been credited with at least 5 full years of membership service upon which contributions have been made and has a right to a future retirement benefit.

(36) "Written application" or "written election" means a written instrument, required by statute or the rules of the board, properly signed and filed with the board, that contains all the required information, including documentation that the board considers necessary."

Section 2. Section 19-20-208, MCA, is amended to read:

"**19-20-208. Duties and liability of employer.** (1) Each employer shall:

(a) (i) each month, report the name, social security number, time worked, and gross earnings of each employed member; and

(ii) pick up the contributions of each employed member at the rate prescribed pursuant to 19-20-602 and 19-20-608 and transmit the contributions to the executive director of the retirement board;

(b) transmit to the retirement system the employer's contributions prescribed by 19-20-605 and 19-20-609 at the time that the employee contributions are transmitted;

(c) keep records and, as required by the retirement system, furnish information that is required in the discharge of the retirement system's duties, including financial, personal services, or other information or documentation requested by the retirement system to verify proper retirement system reporting and contribution remittance related to any individual hired by, working for, or paid by the employer, whether as a common law employee, an independent contractor, an employee or contractor of a third party, a volunteer, or in any other capacity;

(d) on the employment of a person who is required to become a member of the retirement system, inform the person of the rights and obligations relating to the retirement system;

(e) each month, report the name, social security number, time worked, and gross earnings of each retired member of the system who has been employed in a position that is reportable to the retirement system pursuant to 19-20-731;

(f) whenever applicable, inform an employee of the right to elect to participate in the university system retirement program under Title 19, chapter 21; ~~and~~

(g) at the request of the retirement system, certify the names of all persons who are eligible for membership or who are members of the retirement system*; and*

(h) each month, report the name, social security number, time worked, and gross earnings of each substitute teacher, teacher's aide, and paraprofessional who, pursuant to 19-20-302(4), has elected not to participate in the retirement system prior to completing 210 hours of employment in any fiscal year.

(2) An employer shall submit a wage and contribution report to the retirement system every month, including for any month in which the employer does not pay compensation reportable to the retirement system."

Section 3. Section 19-20-302, MCA, is amended to read:

"**19-20-302. Active membership.** (1) Unless otherwise provided by this chapter, the following persons employed by an employer must be active members of the retirement system:

(a) a person who is a teacher, principal, or district superintendent as defined in 20-1-101;

(b) a person who is an administrative officer or a member of the instructional or scientific staff of a unit of the Montana university system and who has not elected or is not required to participate in the university system retirement program under Title 19, chapter 21;

(c) a person employed as a speech-language pathologist, school nurse, professionally qualified person as defined in 20-7-901, paraprofessional who provides instructional support, dean of students, or school psychologist;

(d) a person employed in a teaching or an educational services capacity by the office of a county superintendent, an education cooperative, a public institution of the state of Montana, the Montana state school for the deaf and blind, or a school district;

(e) a person who is an administrative officer or a member of the instructional staff of the board of public education;

(f) the superintendent of public instruction or a person employed as a teacher or in an educational services capacity by the office of public instruction;

(g) except as provided in subsection (2), a person elected to the office of county superintendent of schools;

(h) a person who is an administrative officer or a member of the instructional or scientific staff of a community college; and

(i) a person employed in a nonclerical position and who is reported on an employer's annual data collection report submitted to the office of public instruction.

(2) A retired member elected to the office of county superintendent of schools or appointed to complete the term of an elected county superintendent of schools after July 1, 1995, is not eligible for optional membership in the public employees' retirement system under the provisions of 19-3-412 or 19-3-413 and shall, within 30 days of taking office, file an irrevocable written election to become or to not become an active member of the teachers' retirement system. The retirement system membership of an elected county superintendent of schools as of June 30, 1995, must remain unchanged for as long as the person continues to serve in the capacity of county superintendent of schools.

(3) In order to be eligible for active membership, a person described in subsection (1) or (2) must:

(a) be employed in the capacity prescribed for the person's eligibility for at least 30 days in any fiscal year; and

(b) have the compensation for the person's creditable service totally paid by an employer.

(4) (a) A substitute teacher*,* ~~or a~~ part-time teacher's aide~~:~~*, or paraprofessional who is not already an active, inactive, or retired member of the retirement system shall make an irrevocable written election to become an active member of the retirement system on the first day of employment or to defer membership in the retirement system until the individual has completed 210 hours of service in any fiscal year.*

~~(i) shall file an irrevocable written election determining whether to become an active member of the retirement system on the first day of employment; or~~

~~(ii) is required to become an active member of the retirement system after completing 210 hours of employment in any fiscal year if the substitute teacher or part-time teacher's aide has not elected membership under subsection (4)(a)(i).~~

(b) ~~Once a part-time teacher's aide becomes a member, the aide is required to remain an active member as long as the aide is employed in that capacity. Once a substitute teacher becomes a member, the substitute teacher is required to remain a member as long as the teacher is available for employment in that capacity~~ *Upon completing 210 hours of service in a fiscal year for one employer or in aggregate for two or more employers, the individual shall become an active member of the retirement system. Active membership is effective the first day of the month following the month in which aggregate service reported by all employers equals or exceeds 210 hours. After a substitute teacher, part-time teacher's aide, or paraprofessional becomes a member, the individual shall remain an active or inactive member until the individual meets the requirements to withdraw from the retirement system or become a retired member.*

(c) ~~The employer shall give written notification to a substitute teacher or part-time teacher's aide on the first day of employment of the option to elect membership under subsection (4)(a)(i)~~ *An employer shall provide an election form to an eligible substitute teacher, part-time teacher's aide, or paraprofessional on the first day of employment. The employer shall require submission of the election form back to the employer and shall maintain the election form permanently.*

~~(d) If a substitute teacher or part-time teacher's aide declines to elect membership during the election period, the teacher or part-time teacher's aide shall file a written statement with the employer waiving membership and the employer shall retain the statement.~~

(5) A school district clerk or business official may not become a member of the teachers' retirement system. A school district clerk or business official who is a member of the system on July 1, 2001, is required to remain an active member of the system while employed in that capacity, and any postretirement earnings from employment as a school district clerk or school business official are subject to the limit on earnings provided in 19-20-731.

(6) At any time that a person's eligibility to become a member of the retirement system is in doubt, the retirement board shall determine the person's eligibility for membership. All persons in similar circumstances must be treated alike.

(7) As used in this section, "part-time teacher's aide*" or "paraprofessional*" means an individual who works less than 7 hours a day ~~assisting a certified teacher in a classroom~~.

(8) (a) An active member of the system concurrently employed in a position identified in subsection (1)(b) may not elect to participate in the university system retirement program under Title 19, chapter 21.

(b) An employee of the Montana university system who is a participant in the university system retirement program under Title 19, chapter 21, and who is concurrently employed in a position identified in ~~subsections~~ *subsection* (1)(a) or *subsections* (1)(c) through (1)(i) is ineligible to be an active member of ~~this~~ *the teachers' retirement* system.

(9) (a) A position is not reportable to the retirement system if the position is a bona fide volunteer position.

(b) A position is a bona fide volunteer position if all of the following criteria are met:

(i) The individual in the position receives no salary, stipend, remuneration of any kind, reimbursement of expenses, or in-kind benefits or services for service in the position. Employer payments of premiums for required insurance coverage directly related to the volunteer service, such as workers' compensation coverage or personal or professional liability coverage, do not constitute remuneration.

(ii) The position was not a paid position with the employer within the 12 months prior to being designated as a volunteer position by the employer.

(iii) The position does not become a paid position for at least 12 months following the employer's designation of the position as a volunteer position.

(iv) The employer does not have any other individual working as a paid employee in the same position while the position is designated as a volunteer position.

(v) The individual in the position does not perform work in the volunteer position in excess of:

(A) 4 hours in a day, 12 hours in a week, and 312 hours in a fiscal year if the service is performed during regular business days of the employer; or

(B) 312 hours in a fiscal year if the service is performed primarily at times other than during regular business days of the employer.

(c) The retirement system may require the employer to provide information and documentation to verify that a position designated as a volunteer position meets all requirements set forth in this subsection (9).

(10) As used in this section, "educational services capacity" refers to an individual who:

(a) directly instructs students;

(b) provides professional or education-related services that help students participate in or receive the full benefit of an educational program;

(c) evaluates the competencies or proper placement of students, determines or implements student-specific educational programs or plans, or provides direct or indirect support for academic or behavior intervention;

(d) determines the proper curriculum or educational standards applicable to the program, determines the appropriate educational and instructional methodologies, selects or creates the instructional materials; or trains teachers or other staff responsible for implementing the curriculum, standards, and methodologies of the program;

(e) directs, supervises, or oversees the work of other individuals employed in an educational or instructional services capacity; or

(f) is the primary administrator of an employer that provides educational services or is the primary administrator of an educational program of an employer that provides educational services."

Section 4. Section 19-20-303, MCA, is amended to read:

"**19-20-303. Inactive membership -- dormant membership status.** (1) A nonvested or vested member's active membership in the retirement system terminates and the member becomes an inactive member when the member ceases to be employed in a position reportable to the retirement system.

(2) A vested member becomes an inactive member of the teachers' retirement system if the member becomes an active member of another retirement or pension system supported wholly or in part by the money of another government agency, except the federal social security retirement system, and the membership in the other retirement system would allow credit for the same employment service in both retirement systems. However, the member may not be excluded from active membership in the teachers' retirement system solely because the person is receiving or is eligible to receive retirement benefits from another retirement system.

(3) A vested inactive member must be transferred to dormant membership status if*, by the member's required minimum distribution beginning date, the member cannot be located for involuntary retirement as described in 19-20-703(3) or has not taken one of the following actions* ~~the member fails to take one of the following actions by April 1 following the calendar year in which the member attains the age of 70 1/2 if the member was born before July 1, 1949, or the age of 72 if the member was born on or after July 1, 1949~~:

(a) elect to terminate membership by withdrawing from the retirement system and taking a refund of the member's accumulated contributions under 19-20-603;

(b) apply to receive retirement benefits under part 8 or part 9 of this chapter; or

(c) return to active membership.

(4) A nonvested inactive member must be transferred to dormant membership status if the member fails to take one of the following actions within 7 years after becoming an inactive member:

(a) elect to terminate membership by withdrawing from the retirement system and taking a refund of the member's accumulated contributions under 19-20-603; or

(b) return to active membership.

(5) With respect to a member in dormant membership status:

(a) the retirement system shall no longer attempt to locate or contact the member or send communications or annual statements to the member; and

(b) the retirement system shall transfer the amount in the member's annuity savings account to the pension accumulation account and the amount may not be credited with additional interest while the member is in a dormant membership status.

(6) If a vested inactive member in dormant membership status takes an action described in subsection (3), the member is no longer in dormant membership status and the retirement system shall restore the member's account balance ~~to the member's annuity savings account~~ and credit the ~~account balance with the~~ interest that would have been earned if the ~~amount had remained in the annuity savings account~~ *member had not been transferred to dormant status*.

(7) If a nonvested inactive member *in dormant membership status* takes an action described in subsection (4), the member is no longer in dormant membership status and the retirement system shall restore the member's account balance ~~to the member's annuity savings account~~ and credit the ~~account balance with the~~ interest that would have been earned if the ~~amount had remained in the annuity savings account~~ *member had not been transferred to dormant status*.

(8) Nothing in this section affects the rights, benefits, obligations, or liabilities provided for under this chapter if a member dies in a dormant membership status."

Section 5. Section 19-20-417, MCA, is amended to read:

"**19-20-417. Credit for substitute teaching service, *part-time* teacher's ~~aide~~ *aide service, paraprofessional* service, or other service not reported.** ~~(1) A substitute teacher or part-time teacher's aide who has filed an irrevocable election with their employer not to participate in the retirement system for the first 210 hours of service under 19-20-302 and who subsequently becomes a member within the same fiscal year must be awarded creditable service for the first 210 hours of service if the member contributes the employee and employer contributions that would have been made if the member had been a member from the first date of service in that fiscal year, plus interest at the current actuarial assumed rate of investment return.~~ *(1) A substitute teacher, part-time teacher's aide, or paraprofessional who has filed an irrevocable election not to participate in the retirement system for the first 210 hours of service under 19-20-302 and who later becomes an active member may be awarded creditable service for the 210 or more hours of service provided in the single fiscal year in which the 210-hour threshold results in the individual's active membership. To be awarded the creditable service, the member shall contribute the regular employee and employer contributions that would have been made if the member had elected membership from the first date of service in that fiscal year, plus interest at the current actuarial assumed rate of investment return.*

(2) A person who was employed in a capacity that would have been eligible for membership except for the fact that the person was employed for less than 30 days and who subsequently becomes an active member within the same fiscal year may purchase the first 30 days of service if the member contributes the employee and employer contributions that would have been made if the person had been a member from the first date of service in that fiscal year, plus interest at the current actuarial assumed rate of investment return.

(3) If an employer fails to report a person who was eligible for membership under 19-20-302, the employee and employer shall make the contributions required by this chapter, plus interest at the current actuarial assumed rate of investment return.

(4) The contributions and interest may be made in a lump-sum payment or in installments as agreed to between the person and the board.

(5) Only one service purchase may be made by any member under subsection (1) or (2)."

Section 6. Section 19-20-703, MCA, is amended to read:

"**19-20-703. Payments to be monthly -- *required minimum distributions.*** (1) All retirement allowances must be paid in equal monthly installments.

(2) Except as provided in subsection (5), the retirement allowance may commence:

(a) no earlier than the first day of the month following the member's termination date or on the first day of the month following the date when the member first becomes eligible, whichever date is later; or

(b) if requested by the inactive member in writing:

(i) on the first day of a later month; or

(ii) on the first day of the month following the member's 60th birthday.

~~(3) Distribution of an inactive member's benefit must begin by the later of the April 1 following the calendar year in which a member attains the age of 70 1/2 if the member was born before July 1, 1949, or the age of 72 if the member was born on or after July 1, 1949, or April 1 of the year following the calendar year in which the member terminates. If a member fails to apply for retirement benefits by the later of either of those dates, the board shall begin distribution of the monthly benefit as provided in 19-20-702(3)(a)(i).~~

(3) (a) Distribution of an inactive member's benefit must begin, or a refund of the member's accumulated contributions must be made, by the required minimum distribution beginning date.

(b) The required minimum distribution beginning date is the later of:

(i) April 1 following the calendar year in which the member terminates employment in all teachers' retirement system reportable positions; or

(ii) April 1 following the calendar year in which the member attains the age of:

(A) 70 1/2 if the member was born before July 1, 1949;

(B) 72 if the member was born between July 1, 1949, and December 31, 1950;

(C) 73 if the member was born between January 1, 1951, and December 31, 1959; or

(D) 75 if the member was born on or after January 1, 1960.

(c) If the member fails to apply to receive retirement benefits by the required minimum distribution beginning date, the retirement system shall begin distribution of the monthly benefit under the monthly benefit option described in 19-20-702(3)(a)(i) without consideration of the member's age.

(4) The life expectancy of a member or the member's joint annuitant may not be recalculated after benefits commence.

(5) If a member terminates within 30 days of the last day of the school year, the member is considered to have terminated at the end of the member's contract, and the retirement allowance may not commence earlier than the first day of the month following the last scheduled pupil-instruction day or pupil-instruction-related day as described in 20-1-304, whichever is later."

Section 7. Section 19-20-905, MCA, is amended to read:

"**19-20-905. Cancellation of allowance and restoration of membership.** (1) If a disabled retiree is employed in a position reportable to the retirement system and earns compensation in any calendar year in excess of the limitation provided in 19-20-904, the retiree's retirement allowance must cease and the retiree must again become an active member of the retirement system effective on the first day of the month following the month in which the

earnings limitation was exceeded. *At this point, the member is deemed to be no longer disabled.*

~~(2) If the member is restored to active membership on or after the attainment of the age of 55 years, the member's retirement allowance upon subsequent retirement may not exceed the retirement allowance that the member would have received had the member remained in service during the period of the member's previous retirement or the sum of the retirement allowance that the member was receiving immediately prior to the member's last restoration to service and the retirement allowance that the member would have received on account of the member's service since the member's last restoration had the member entered service at that time as a new member~~

(2) (a) Upon subsequent termination of employment in all teachers' retirement system reportable positions, a member who is then eligible based on age or service for either an early retirement allowance under 19-20-802 or a regular retirement allowance under 19-20-804 may immediately apply for a retirement allowance. Eligibility for retirement based on service is determined based on the creditable service credited to the member at the time of disability retirement excluding any creditable service enhancement applied pursuant to 19-20-902(1)(b). The retirement allowance payable upon subsequent retirement is the lesser of:

(i) the early or regular service retirement allowance the member is eligible to receive based on the creditable service and earned compensation credited to the member at the time of the member's disability retirement excluding any creditable service or earned compensation enhancement applied as provided in 19-20-902(1)(b), plus the additional creditable service and earned compensation credited to the member after the return to active member status; or

(ii) an amount equal to the disability retirement benefit received prior to the return to active member status plus a second benefit amount calculated based on the creditable service accrued and average earned compensation credited for all years of service during the return to active member status.

(b) Upon subsequent termination of employment in all teachers' retirement system reportable positions, a member who is not then eligible for an early or regular service retirement allowance under subsection (2)(a) shall wait to apply for a subsequent retirement allowance until eligible under subsection (2)(a) or may make a new application for a disability retirement allowance.

(c) A member who originally retired on a disability allowance and later returned to active member status may not make, and the member's subsequent retirement allowance may not be enhanced by, any permissive service purchase not used in the calculation of the member's original disability retirement allowance."

Section 8. Effective date. [This act] is effective July 1, 2025.

Approved April 16, 2025

CHAPTER NO. 137

[SB 456]

AN ACT GENERALLY REVISING PROFESSIONS AND OCCUPATIONS LAWS; ALLOWING A HEALTH CARE STAFF MEMBER OTHER THAN A PRACTITIONER TO DISPENSE DRUGS UNDER CERTAIN CIRCUMSTANCES; AND AMENDING SECTION 37-2-104, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 37-2-104, MCA, is amended to read:

"**37-2-104. Dispensing of drugs by medical practitioners -- registration -- exceptions.** (1) Subject to subsection (7), a medical practitioner may dispense drugs if the practitioner:

(a) registers with the board of pharmacy provided for in 2-15-1733; and

(b) complies with the requirements of this section.

(2) *(a)* Drugs dispensed by a medical practitioner must be:

~~(a)~~*(i)* dispensed ~~directly~~ by the practitioner at the practitioner's office or place of practice;

~~(b)~~*(ii)* dispensed only to the practitioner's own patients; ~~and~~

(iii) dispensed with the offer of counseling from the practitioner; and

~~(c)~~*(iv)* necessary in the treatment of the condition for which the practitioner is attending the patient.

(b) Health care staff, other than the practitioner, who are at the practitioner's office or place of practice, may convey the dispensed drugs if:

(i) the drugs are prepared and sealed with two forms of identification written on the package by the provider; and

(ii) the identification of the patient is verified by the staff member conveying the drugs.

(3) Before dispensing a drug, a medical practitioner shall offer to give a patient the prescription in a written, electronic, or facsimile form that the patient may choose to have filled by the practitioner or any pharmacy.

(4) Except as otherwise provided in this section, a medical practitioner:

(a) may dispense only those drugs that the practitioner is allowed to prescribe under the practitioner's scope of practice unless the practitioner is engaged in the practice of pharmacy and dispensing a drug pursuant to Title 37, chapter 7; and

(b) may not dispense a controlled substance unless the practitioner is engaged in the practice of pharmacy and is dispensing a controlled substance pursuant to Title 37, chapter 7.

(5) A medical practitioner dispensing drugs shall comply with and is subject to the provisions of this part and the provisions of:

(a) Title 37, chapter 7, parts 4, 5, and 15;

(b) Title 50, chapter 31, parts 3 and 5;

(c) the labeling, storage, inspection, and recordkeeping requirements established by the board of pharmacy; and

(d) all applicable federal laws and regulations.

(6) A medical practitioner registering with the board of pharmacy shall pay a fee established by the board by rule. The fee must be paid at the time of registration and on each renewal of the practitioner's license.

(7) Except as provided in subsection (8), a medical practitioner registered with the board of pharmacy may not dispense drugs to an injured worker being treated pursuant to Title 39, chapter 71.

(8) This section does not prohibit any of the following when a medical practitioner has not registered to dispense drugs or when a practitioner registered to dispense drugs is treating an injured worker pursuant to Title 39, chapter 71:

(a) a medical practitioner from furnishing a patient any drug in an emergency;

(b) the administration of a unit dose of a drug to a patient by or under the supervision of a medical practitioner;

(c) dispensing a drug to a patient by a medical practitioner whenever there is no community pharmacy available to the patient;

(d) the dispensing of drugs occasionally, but not as a usual course of doing business, by a medical practitioner;

(e) a medical practitioner from dispensing drug samples;

(f) the dispensing of factory prepackaged contraceptives, other than mifepristone, by a registered nurse employed by a family planning clinic under contract with the department of public health and human services if the dispensing is in accordance with:

(i) a physician's written protocol specifying the circumstances under which dispensing is appropriate; and

(ii) the drug labeling, storage, and recordkeeping requirements of the board of pharmacy;

(g) a contract physician at an urban Indian clinic from dispensing drugs to qualified patients of the clinic. The clinic may not stock or dispense any dangerous drug, as defined in 50-32-101, or any controlled substance. The contract physician may not delegate the authority to dispense any drug for which a prescription is required under 21 U.S.C. 353(b).

(h) a medical practitioner from dispensing a drug if the medical practitioner has prescribed the drug and verified that the drug is not otherwise available from a community pharmacy. A drug dispensed pursuant to this subsection (8)(h) must meet the labeling, storage, and recordkeeping requirements of the board of pharmacy.

(i) a medical practitioner from dispensing an opioid antagonist as provided in 50-32-605.

(9) For the purposes of this section, the term "medical practitioner" includes a naturopathic physician."

Approved April 16, 2025

CHAPTER NO. 138

[SB 361]

AN ACT PROVIDING AN ADDITIONAL BASIS ON WHICH A PARTY THAT IS LEGALLY RESPONSIBLE FOR PAYMENT OF A CLAIM FOR A HEALTH CARE ITEM OR SERVICE MAY NOT DENY A CLAIM SUBMITTED BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; AND AMENDING SECTION 33-1-111, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 33-1-111, MCA, is amended to read:

"**33-1-111. Eligibility requirements of health insurance issuers.** (1) As a condition of doing business in the state of Montana, a health insurance issuer, a multiple employer welfare arrangement, a third-party administrator, a health maintenance organization, a pharmacy benefit manager, a health services corporation, or any other party that by statute, contract, or agreement is legally responsible for payment of a claim for a health care item or service shall:

(a) upon request, provide to the department of public health and human services eligibility information for individuals who are eligible for or receiving medicaid, including but not limited to:

(i) data to determine during what period the medicaid recipient or medicaid-eligible individual or the spouse or dependents of the recipient or eligible individual may be or may have been covered by any of the entities listed in this section; and

(ii) data regarding the nature of the coverage that is or was provided, including but not limited to the name, address, and identifying information of the entity providing coverage;

(b) respond to any inquiry from the department of public health and human services regarding a claim for payment for any health care item or service submitted not later than 3 years after the date the item or service was provided;

(c) accept the department of public health and human services' right of recovery and the assignment from the medicaid recipient to the department of public health and human services of any right of an individual or other entity to payment from any of the entities listed in this section for an item or service for which medicaid has paid; and

(d) agree not to deny a claim submitted by the department of public health and human services solely on the basis of the date of submission of the claim, the type or format of the claim form, *the failure to obtain prior authorization for the item or service pursuant to the third party payer's rules,* or a failure to present proper documentation at the point of sale that is the basis of the claim if:

(i) the claim is submitted by the department of public health and human services within the 3-year period beginning on the date on which the service or item was provided; and

(ii) any action by the department of public health and human services to enforce its rights with respect to the claim is commenced within 6 years after the department submitted the claim.

(2) This section may not be construed to:

(a) require that a third party pay any claim by the department of public health and human services for services or items that are not covered under the applicable health care plan;

(b) require that any third-party administrator, fiscal intermediary, or other contractor pay a claim by the department of public health and human services from its own funds unless the entity also bears the financial obligation for the claim under the applicable plan documents;

(c) impose any liability on an entity to pay claims that the entity does not otherwise bear; or

(d) negate any right of indemnification against a plan sponsor or other entity with ultimate liability for health care claims by a third-party administrator, fiscal intermediary, or other contractor that pays the claims."

Approved April 16, 2025

CHAPTER NO. 139

[SB 347]

AN ACT REVISING MEDICAL RESIDENT LICENSURE LAWS; REVISING DEFINITIONS; REMOVING UNLICENSED TRAINEES FROM LICENSING EXEMPTIONS; REVISING RESIDENCY REQUIREMENTS FOR LICENSING QUALIFICATIONS; AND AMENDING SECTIONS 37-3-102, 37-3-103, 37-3-305, AND 37-26-301, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 37-3-102, MCA, is amended to read:

"**37-3-102. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "ACGME" means the accreditation council for graduate medical education.

(2) "AOA" means the American osteopathic association.

~~(3) "Approved internship" means an internship training program of at least 1 year in a program that either is approved for intern training by the AOA or~~

~~conforms to the standards for intern training established by the ACGME or successors. However, the board may, upon investigation, approve any other internship.~~

~~(4)~~*(3)* "Approved medical school" means a school that either is accredited by the AOA or conforms to the education standards established by the LCME or the world health organization or successors for medical schools that meet standards established by the board by rule.

~~(5)~~*(4)* "Approved residency" means a residency training program conforming to the standards for residency training established by the ACGME or successors or approved for residency training by the AOA.

~~(6)~~*(5)* "Board" means the Montana state board of medical examiners provided for in 2-15-1731.

~~(7)~~*(6)* "Community-integrated health care" means the provision of out-of-hospital medical services that an emergency care provider with an endorsement may provide as determined by board rule.

~~(8)~~*(7)* "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.

~~(9)~~*(8)* "Emergency care provider" or "ECP" means a person licensed by the board, including but not limited to an emergency medical responder, an emergency medical technician, an advanced emergency medical technician, or a paramedic. An emergency care provider with an endorsement may provide community-integrated health care.

~~(10)~~*(9)* "LCME" means the liaison committee on medical education.

~~(11)~~*(10)* "Medical assistant" means an unlicensed allied health care worker who functions under the supervision of a physician, physician assistant, or podiatrist in a physician's or podiatrist's office and who performs administrative and clinical tasks.

~~(12)~~*(11)* "Physician" means a person who holds a degree as a doctor of medicine or doctor of ~~osteopathy~~ *osteopathic medicine* and who has a valid license to practice medicine ~~or osteopathic medicine~~ in this state.

(12) (a) "PGY" means the post-graduate year as defined by an approved residency.

(b) "PGY-1" means the first curriculum year of an approved residency, during which the individual in the approved residency is currently enrolled.

(13) "Practice of medicine" means the diagnosis, treatment, or correction of or the attempt to or the holding of oneself out as being able to diagnose, treat, or correct human conditions, ailments, diseases, injuries, or infirmities, whether physical or mental, by any means, methods, devices, or instrumentalities, including electronic and technological means such as telemedicine. If a person who does not possess a license to practice medicine in this state under this chapter and who is not exempt from the licensing requirements of this chapter performs acts constituting the practice of medicine, the person is practicing medicine in violation of this chapter.

(14) "Resident" means a person who:

(a) holds a degree as a doctor of medicine or doctor of osteopathic medicine from an approved medical school;

(b) is enrolled in an approved residency; and

(c) has a valid resident license to practice medicine as a resident in this state.

~~(14)~~*(15)* "Store-and-forward technology" means electronic information, imaging, and communication that is transferred, recorded, or otherwise stored in order to be reviewed at a later date by a health care provider or health care facility at a distant site without the patient present in real time. The term includes interactive audio, video, and data communication.

~~(15)~~*(16)* (a) "Telemedicine" means the practice of medicine using interactive electronic communications, information technology, audio-only conversations, or other means between a licensee in one location and a patient in another location with or without an intervening health care provider. Telemedicine includes the application of secure videoconferencing or store-and-forward technology.

(b) The term does not mean an e-mail or instant messaging conversation or a message sent by facsimile transmission.

(c) For physicians providing written certification of a debilitating medical condition pursuant to 16-12-509, the term does not include audio-only communication unless the physician has previously established a physician-patient relationship through an in-person encounter."

Section 2. Section 37-3-103, MCA, is amended to read:

"**37-3-103. Exemptions from licensing requirements.** (1) This chapter does not prohibit or require a license with respect to any of the following acts:

(a) the gratuitous rendering of services in cases of emergency or catastrophe;

(b) the rendering of services in this state by a physician lawfully practicing medicine in another state or territory. However, if the physician does not limit the services to an occasional case or if the physician has any established or regularly used hospital connections in this state or maintains or is provided with, for the physician's regular use, an office or other place for rendering the services, the physician must possess a license to practice medicine in this state.

(c) the practice of dentistry under the conditions and limitations defined by the laws of this state;

(d) the practice of podiatry under the conditions and limitations defined by the laws of this state;

(e) the practice of optometry under the conditions and limitations defined by the laws of this state;

(f) the practice of chiropractic under the conditions and limitations defined by the laws of this state;

(g) the practice of Christian Science, with or without compensation, and ritual circumcisions by rabbis;

(h) the practice of medicine by a physician licensed in another state and employed by the federal government;

(i) the rendering of nursing services by registered or other nurses in the lawful discharge of their duties as nurses or of midwife services by registered nurse-midwives under the conditions and limitations defined by law;

~~(j) the rendering of services by interns or resident physicians in a hospital or clinic in which they are training, subject to the conditions and limitations of this chapter;~~

~~(k)~~*(j)* the rendering of services by a surgical or medical technician or medical assistant, as provided in 37-3-104, under the appropriate amount and type of supervision of a person licensed under the laws of this state to practice medicine, but this exemption does not extend the scope of the individuals listed in this subsection (1)~~(k)~~*(j)*;

~~(l)~~*(k)* the rendering of services by a physician assistant in accordance with Title 37, chapter 20;

~~(m)~~*(l)* the practice by persons licensed under the laws of this state to practice a limited field of the healing arts, including physical therapists and other licensees not specifically designated, under the conditions and limitations defined by law;

~~(n)~~*(m)* the execution of a death sentence pursuant to 46-19-103;

~~(o)~~*(n)* the practice of direct-entry midwifery. For the purpose of this section, the practice of direct-entry midwifery means the advising, attending,

or assisting of a woman during pregnancy, labor, natural childbirth, or the postpartum period. Except as authorized in 37-27-302, a direct-entry midwife may not dispense or administer a prescription drug, as those terms are defined in 37-7-101.

~~(p)~~*(o)* the use of an automated external defibrillator pursuant to Title 50, chapter 6, part 5.

(2) Licensees referred to in subsection (1) who are licensed to practice a limited field of healing arts shall confine themselves to the field for which they are licensed or registered and to the scope of their respective licenses and, with the exception of those licensees who hold a medical degree, may not use the title "M.D.", "D.O.", or any word or abbreviation to indicate or to induce others to believe that they are engaged in the diagnosis or treatment of persons afflicted with disease, injury, or defect of body or disorder of mind except to the extent and under the conditions expressly provided by the law under which they are licensed."

Section 3. Section 37-3-305, MCA, is amended to read:

"**37-3-305. Qualifications for licensure.** (1) Except as provided in subsection (2), the board shall grant a physician's license to practice medicine in this state to an applicant who:

(a) is of good moral character as determined by the board;

(b) is a graduate of an approved medical school as defined in 37-3-102;

~~(c) has completed an approved residency program or, for an applicant who graduated from medical school prior to 2000, has had experience or training that the board has determined is at least the equivalent of an approved residency program;~~

(c) possesses one or more of the qualifications:

(i) has completed PGY-1 of an approved residency program, provided the individual remains enrolled and in good standing throughout the residency program;

(ii) has completed an approved residency program; or

(iii) for an applicant who graduated from medical school prior to 2000, has experience or training that the board determines is at least the equivalent of an approved residency program;

(d) has passed all of the steps of the United States medical licensing examination, the federation of state medical boards' federation licensing examination, or an examination offered by any of the following entities:

(i) the national board of medical examiners or its successors;

(ii) the national board of osteopathic medical examiners or its successors;

(iii) the medical council of Canada or its successors if the applicant is a graduate of a Canadian medical school approved by the medical council of Canada or its successors; or

(iv) the educational commission for foreign medical graduates or its successors if the applicant is a graduate of a foreign medical school outside of the United States and Canada;

(e) has submitted a completed application with the required nonrefundable fee; and

(f) is able to communicate in the English language as determined by the board.

(2) The board may authorize the department to issue the license subject to terms of probation or other conditions or limitations set by the board or may refuse a license if the applicant has committed unprofessional conduct or is otherwise unqualified.

(3) A physician applying for expedited licensure in another state as allowed under 37-3-356 shall submit fingerprints to the board to facilitate

a fingerprint-based criminal record background check by the Montana department of justice and the federal bureau of investigation. The board may not disseminate criminal history record information resulting from the background check across state lines.

(4) The board may by rule impose additional requirements for licensure to protect the health and safety of the public or to enter into a mutual recognition licensing agreement with another state.

(5) The board may adopt rules that provide conditions for short-term nondisciplinary licenses."

Section 4. Section 37-26-301, MCA, is amended to read:

"**37-26-301. Practice of naturopathic health care -- alternative health care formulary committee.** (1) Naturopathic physicians may practice naturopathic medicine as a limited practice of the healing arts as exempted in 37-3-103(1)~~(m)~~*(l)*, with the following restrictions. A naturopathic physician may not:

(a) prescribe, dispense, or administer any legend drug, as defined in 50-31-301, except for whole gland thyroid; homeopathic preparations; the therapeutic substances, drugs, and therapies described in subsection (2); and oxytocin (pitocin), provided that the naturopathic physician may administer but may not prescribe or dispense oxytocin (pitocin);

(b) administer ionizing radioactive substances for therapeutic purposes;

(c) perform surgical procedures except those minor surgery procedures authorized by this chapter; or

(d) claim to practice any licensed health care profession or system of treatment other than naturopathic medicine unless holding a separate license in that profession.

(2) Naturopathic physicians may prescribe, administer, and dispense for preventive and therapeutic purposes the following therapeutic substances, drugs, and therapies, as well as drugs as specified by the formulary list provided for in subsection (3):

(a) food, food extracts, vitamins, minerals, enzymes, whole gland thyroid, botanical medicines, homeopathic preparations, and oxytocin (pitocin);

(b) topical drugs, health care counseling, nutritional counseling and dietary therapy, naturopathic physical applications, therapeutic devices, and nonprescription drugs; and

(c) barrier devices for contraception, naturopathic childbirth attendance, and minor surgery.

(3) A five-member alternative health care formulary committee appointed by the board shall establish a formulary list. The committee consists of a licensed pharmacist plus four members of the board, two of whom must be licensed naturopathic physicians, one who must be a licensed medical doctor, and one who must be a public member. The list may not go beyond the scope of substances covered by approved naturopathic college curricula or continuing education and must be reviewed annually by the committee. Changes to the list that are recommended by the committee and accepted by the board must be published as administrative rules.

(4) Naturopathic physicians may perform or order for diagnostic purposes a physical or orificial examination, ultrasound, phlebotomy, clinical laboratory test or examination, physiological function test, and any other noninvasive diagnostic procedure commonly used by physicians in general practice and as authorized by 37-26-201(2).

(5) If the place where a naturopath maintains an office for the practice of naturopathy is more than 10 miles from a place of business that sells and dispenses the drugs a naturopath may prescribe under subsection (2), then,

to the extent the drugs are not available within 10 miles of the naturopath's office, the naturopath may sell the drugs that are unavailable."

Approved April 16, 2025

CHAPTER NO. 140

[SB 338]

AN ACT AUTHORIZING A BENEFITS ADMINISTRATOR TO RECEIVE PAYMENTS ON BEHALF OF A MINOR CHILD OR AN INCOMPETENT PERSON; AUTHORIZING THE WORKERS' COMPENSATION JUDGE TO APPOINT A BENEFITS ADMINISTRATOR; AMENDING SECTIONS 39-71-742 AND 39-71-2905, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 39-71-742, MCA, is amended to read:

"**39-71-742. Who may receive payment.** (1) A payment due to a child under 18 years of age or to a person adjudged incompetent must be made to the parent, ~~or~~ the appointed guardian*, the appointed conservator, or the appointed benefits administrator,* and the written receipt for the payment must acquit the employer, the insurer, or the department of further liability.

(2) A payment due to a member of the highway patrol receiving the salary benefit provided in 44-1-511 must be made to the department of justice to offset the salary benefit until the member is no longer eligible to receive the salary benefit.

(3) In other cases, payment must be made to the person entitled to the payment or to the person's authorized representative.

(4) For the purposes of subsection (1), the term "benefits administrator" means a person appointed by the workers' compensation judge as provided in 39-71-2905 to pursue benefits or receive payments on behalf of a child under 18 years of age or to a person adjudged incompetent."

Section 2. Section 39-71-2905, MCA, is amended to read:

"**39-71-2905. Petition to workers' compensation judge -- time limit on filing.** (1) If a claimant, an insurer, an employer alleged to be an uninsured employer, or the uninsured employers' fund has a dispute concerning any benefits under this chapter, it may petition the workers' compensation judge for a determination of the dispute after satisfying dispute resolution requirements otherwise provided in this chapter. In addition, the district court that has jurisdiction over a pending action under 39-71-515 may request the workers' compensation judge to determine the amount of recoverable damages due to the employee. The judge, after a hearing, shall make a determination of the dispute in accordance with the law as set forth in this chapter. If the dispute relates to benefits due to a claimant under this chapter, the judge shall fix and determine any benefits to be paid and specify the manner of payment. After parties have satisfied dispute resolution requirements provided elsewhere in this chapter, the workers' compensation judge has exclusive jurisdiction to make determinations concerning disputes under this chapter, except as provided in 39-71-317 and 39-71-516. The penalties and assessments allowed against an insurer under this chapter are the exclusive penalties and assessments that can be assessed by the workers' compensation judge against an insurer for disputes arising under this chapter.

(2) A petition for a hearing before the workers' compensation judge must be filed within 2 years after benefits are denied.

(3) A claimant, an insurer, or the uninsured employers' fund may petition the workers' compensation judge for the appointment of a benefits administrator. A party is not required to satisfy the dispute resolution requirements provided in this chapter prior to petitioning for a benefits administrator. The workers' compensation judge has jurisdiction to appoint and terminate appointment of a benefits administrator."

Section 3. Effective date. [This act] is effective on passage and approval.

Approved April 16, 2025

CHAPTER NO. 141

[SB 280]

AN ACT REVISING DOMESTIC VIOLENCE INTERVENTION PROGRAM GRANT REQUIREMENTS; ALLOWING THE MONTANA BOARD OF CRIME CONTROL TO PROVIDE GRANTS TO COMMUNITIES TO MONITOR COMPLIANCE WITH COURT-ORDERED REQUIREMENTS FOR OFFENDERS CONVICTED OF OR CHARGED WITH CERTAIN OFFENSES; AND AMENDING SECTION 44-7-201, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 44-7-201, MCA, is amended to read:

"**44-7-201. Domestic violence intervention program.** (1) The Montana board of crime control shall use the money in the domestic violence intervention account established by 44-7-202 to fund a domestic violence intervention program to provide grants to:

(a) communities for misdemeanor probation officers or compliance officers to monitor compliance with ~~sentencing~~ *court-ordered* requirements for offenders convicted of *or charged with* the offense of partner or family member assault under 45-5-206, the offense of strangulation of a partner or family member under 45-5-215, or of a violation of an order of protection under 45-5-626; or

(b) a court to implement an offender intervention program that meets the standards adopted in 44-7-210.

(2) In administering the domestic violence intervention program, the Montana board of crime control shall:

(a) identify priorities for funding services, activities, and criteria for the receipt of program funds;

(b) monitor the expenditure of funds by organizations receiving funds under this section;

(c) evaluate the effectiveness of services and activities under this section; and

(d) adopt rules necessary to implement 44-7-201 through 44-7-204."

Approved April 16, 2025

CHAPTER NO. 142

[SB 279]

AN ACT ADOPTING THE DIETITIAN LICENSURE COMPACT; PROVIDING DEFINITIONS; PROVIDING FOR A COMPACT PRIVILEGE FOR NUTRITIONISTS; REQUIRING CRIMINAL BACKGROUND CHECKS FOR

LICENSURE; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING A CONTINGENT EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Enactment -- provisions. The dietitian licensure compact is enacted into law and entered into with all other jurisdictions joining the compact in the form substantially as follows:

SECTION 1

PURPOSE

The purpose of this compact is to facilitate the interstate practice of dietetics with the goal of improving public access to dietetics services. This compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure, while also providing for licensure portability through a compact privilege granted to qualifying professionals.

This compact is designed to achieve the following objectives:

(1) increase public access to dietetics services;

(2) provide opportunities for interstate practice by licensed dietitians who meet uniform requirements;

(3) eliminate the necessity for licenses in multiple states;

(4) reduce administrative burden on member states and licensees;

(5) enhance the states' ability to protect the public's health and safety;

(6) encourage the cooperation of member states in regulating the multistate practice of licensed dietitians;

(7) support relocating active military members and their spouses;

(8) enhance the exchange of licensure, investigative, and disciplinary information among member states; and

(9) vest all member states with the authority to hold a licensed dietitian accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered.

SECTION 2

DEFINITIONS

As used in this compact, and except as otherwise provided, the following definitions apply:

(1) "ACEND" means the accreditation council for education in nutrition and dietetics or its successor organization.

(2) "Active military member" means any individual with full-time duty status in the active armed forces of the United States, including members of the national guard and reserve.

(3) "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws that is imposed by a licensing authority or other authority against a licensee, including actions against an individual's license or compact privilege, such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a licensee's authorization to practice, including issuance of a cease and desist action.

(4) "Alternative program" means a nondisciplinary monitoring or practice remediation process approved by a licensing authority.

(5) "CDR" means the commission on dietetic registration or its successor organization.

(6) "Charter member state" means any member state that enacted this compact by law before the effective date specified in section 12.

(7) "Continuing education" means a requirement, as a condition of license renewal, to provide evidence of participation in and completion of educational and professional activities relevant to practice or area of work.

(8) "Compact commission" means the government agency whose membership consists of all states that have enacted this compact, which is known as the dietitian licensure compact commission as described in section 8 and which shall operate as an instrumentality of the member states.

(9) "Compact privilege" means a legal authorization, which is equivalent to a license, permitting the practice of dietetics in a remote state.

(10) "Current significant investigative information" means:

(a) investigative information that a licensing authority, after a preliminary inquiry that includes notification and an opportunity for the subject licensee to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

(b) investigative information that indicates that the subject licensee represents an immediate threat to public health and safety regardless of whether the subject licensee has been notified and had an opportunity to respond.

(11) "Data system" means a repository of information about licensees, including but not limited to continuing education, examination, licensure, investigative, compact privilege, and adverse action information.

(12) "Encumbered license" means a license in which an adverse action restricts a licensee's ability to practice dietetics.

(13) "Encumbrance" means a revocation or suspension of or any limitation on a licensee's full and unrestricted practice of dietetics by a licensing authority.

(14) "Executive committee" means a group of delegates elected or appointed to act on behalf of and within the powers granted to them by this compact and the compact commission.

(15) "Home state" means the member state that is the licensee's primary state of residence or that has been designated pursuant to section 6.

(16) "Investigative information" means information, records, and documents received or generated by a licensing authority pursuant to an investigation.

(17) "Jurisprudence requirement" means an assessment of an individual's knowledge of the state laws and regulations governing the practice of dietetics in such state.

(18) "License" means an authorization from a member state to either:

(a) engage in the practice of dietetics, including medical nutrition therapy; or

(b) use the title "dietitian", "licensed dietitian", "licensed dietitian nutritionist", "certified dietitian", or other title describing a substantially similar practitioner as the compact commission may further define by rule.

(19) "Licensee" or "licensed dietitian" means an individual who currently holds a license and who meets all of the requirements outlined in section 4.

(20) "Licensing authority" means the board or agency of a state, or equivalent, that is responsible for the licensing and regulation of the practice of dietetics.

(21) "Member state" means a state that has enacted the compact.

(22) "Practice of dietetics" means the synthesis and application of dietetics as defined by state law and regulations primarily for the provision of nutrition care services, including medical nutrition therapy, in person or via telehealth, to prevent, manage, or treat diseases or medical conditions and promote wellness.

(23) "Registered dietitian" means a person who:

(a) has completed applicable education, experience, examination, and recertification requirements approved by CDR;

(b) is credentialed by CDR as a registered dietitian or a registered dietitian nutritionist; and

(c) is legally authorized to use the title registered dietitian or registered dietitian nutritionist and the corresponding abbreviations "RD" or "RDN".

(24) "Remote state" means a member state other than the home state where a licensee is exercising or seeking to exercise a compact privilege.

(25) "Rule" means a regulation promulgated by the compact commission that has the force of law.

(26) "Single state license" means a license issued by a member state within the issuing state and does not include a compact privilege in any other member state.

(27) "State" means any state, commonwealth, district, or territory of the United States of America.

(28) "Unencumbered license" means a license that authorizes a licensee to engage in the full and unrestricted practice of dietetics.

SECTION 3
STATE PARTICIPATION IN
THE COMPACT

(1) To participate in the compact, a state:

(a) shall currently license and regulate the practice of dietetics; and

(b) must currently have a mechanism in place for receiving and investigating complaints about licensees.

(2) A member state shall:

(a) participate fully in the compact commission's data system, including using the unique identifier as defined in rules;

(b) notify the compact commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of current significant investigative information regarding a licensee;

(c) implement or utilize procedures for considering the criminal history record information of applicants for an initial compact privilege. These procedures must include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state's criminal records.

(i) A member state shall fully implement a criminal history record information requirement, within a time frame established by rule, that includes receiving the results of the federal bureau of investigation record search and shall use those results in determining compact privilege eligibility.

(ii) Communication between a member state and the compact commission or among member states regarding the verification of eligibility for a compact privilege may not include any information received from the federal bureau of investigation relating to a federal criminal history record information check performed by a member state.

(d) comply with and enforce the rules of the compact commission;

(e) require an applicant for a compact privilege to obtain or retain a license in the licensee's home state and meet the home state's qualifications for licensure or renewal of licensure, as well as all other applicable state laws; and

(f) recognize a compact privilege granted to a licensee who meets all of the requirements outlined in section 4 in accordance with the terms of the compact and rules.

(3) Member states may set and collect a fee for granting a compact privilege.

(4) Individuals not residing in a member state may continue to be able to apply for a member state's single state license as provided under the laws of each member state. However, the single state license granted to these individuals may not be recognized as granting a compact privilege to engage in the practice of dietetics in any other member state.

(5) Nothing in this compact may affect the requirements established by a member state for the issuance of a single state license

(6) At no point may the compact commission have the power to define the requirements for the issuance of a single state license to practice dietetics. The member states shall retain sole jurisdiction over the provision of these requirements.

SECTION 4
COMPACT PRIVILEGE

(1) To exercise the compact privilege under the terms and provisions of the compact, the licensee:

(a) shall satisfy one of the following:

(i) hold a valid current registration that gives the applicant the right to use the term registered dietitian; or

(ii) complete all of the following:

(A) an education program that is either:

(I) a master's degree or doctoral degree that is programmatically accredited by (i) ACEND or (ii) a dietetics accrediting agency recognized by the United States department of education, which the compact commission may by rule determine, and from a college or university accredited at the time of graduation by the appropriate regional accrediting agency recognized by the council on higher education accreditation and the United States department of education; or

(II) an academic degree from a college or university in a foreign country equivalent to the degree described in subsection (1)(a) that is programmatically accredited by (i) ACEND or (ii) a dietetics accrediting agency recognized by the United States department of education, which the compact commission may by rule determine;

(B) a planned, documented, supervised practice experience in dietetics that is programmatically accredited by (i) ACEND or (ii) a dietetics accrediting agency recognized by the United States department of education, which the compact commission may by rule determine and which involves at least 1,000 hours of practice experience under the supervision of a registered dietitian or a licensed dietitian; and

(C) successful completion of either (i) the registration examination for dietitians administered by CDR or (ii) a national credentialing examination for dietitians approved by the compact commission by rule, such completion being no more than 5 years prior to the date of the licensee's application for initial licensure and accompanied by a period of continuous licensure thereafter, all of which may be further governed by the rules of the compact commission;

(b) must hold an unencumbered license in the home state;

(c) shall notify the compact commission that the licensee is seeking a compact privilege within a remote state(s);

(d) shall pay any applicable fees, including any state fee, for the compact privilege;

(e) shall meet any jurisprudence requirements established by the remote state(s) in which the licensee is seeking a compact privilege; and

(f) shall report to the compact commission any adverse action, encumbrance, or restriction on a license taken by any nonmember state within 30 days from the date the action is taken.

(2) The compact privilege is valid until the expiration date of the home state license. To maintain a compact privilege, renewal of the compact privilege must be congruent with the renewal of the home state license as the compact commission may define by rule. The licensee must comply with the requirements of section 4(1) to maintain the compact privilege in the remote state(s).

(3) A licensee exercising a compact privilege shall adhere to the laws and regulations of the remote state. Licensees must be responsible for educating themselves on and complying with any and all state laws relating to the practice of dietetics in such remote state.

(4) Notwithstanding anything to the contrary provided in this compact or state law, a licensee exercising a compact privilege may not be required to complete continuing education requirements required by a remote state. A licensee exercising a compact privilege is only required to meet any continuing education requirements as required by the home state.

SECTION 5
OBTAINING A NEW HOME STATE LICENSE
BASED ON A COMPACT PRIVILEGE

(1) A licensee may hold a home state license, which allows for a compact privilege in other member states, in only one member state at a time.

(2) If a licensee changes the home state by moving between two member states:

(a) the licensee shall file an application for obtaining a new home state license based on a compact privilege, pay all applicable fees, and notify the current and new home state in accordance with the rules of the compact commission;

(b) upon receipt of an application for obtaining a new home state license by virtue of a compact privilege, the new home state shall verify that the licensee meets the criteria in section 4 via the data system and require that the licensee complete the following:

(i) a federal bureau of investigation fingerprint-based criminal history record information check;

(ii) any other criminal history record information required by the new home state; and

(iii) any jurisprudence requirements of the new home state;

(c) the former home state shall convert the former home state license into a compact privilege once the new home state has activated the new home state license in accordance with applicable rules adopted by the compact commission;

(d) notwithstanding any other provision of this compact, if the licensee cannot meet the criteria in section 4, the new home state may apply its requirements for issuing a new single state license; and

(e) the licensee shall pay all applicable fees to the new home state in order to be issued a new home state license.

(3) If a licensee changes their state of residence by moving from a member state to a nonmember state, or from a nonmember state to a member state, the state criteria must apply for issuance of a single state license in the new state.

(4) Nothing in this compact may interfere with a licensee's ability to hold a single state license in multiple states; however, for the purposes of this compact, a licensee may have only one home state license.

(5) Nothing in this compact may affect the requirements established by a member state for the issuance of a single state license.

SECTION 6
ACTIVE MILITARY MEMBERS
OR THEIR SPOUSES

An active military member or their spouse shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty.

SECTION 7
ADVERSE ACTIONS

(1) In addition to the other powers conferred by state law, a remote state may have the authority, in accordance with existing state due process law, to:

(a) take adverse action against a licensee's compact privilege within that member state; and

(b) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing authority in a member state for the attendance and testimony of witnesses or the production of evidence from another member state must be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure applicable to subpoenas issued in proceedings pending before that court. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.

(2) Only the home state may have the power to take adverse action against a licensee's home state license.

(3) For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

(4) The home state shall complete any pending investigations of a licensee who changes home states during the course of the investigations. The home state may also have authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the data system shall promptly notify the new home state of any adverse actions.

(5) A member state, if otherwise permitted by state law, may recover from the affected licensee the costs of investigations and dispositions of cases resulting from any adverse action taken against that licensee.

(6) A member state may take adverse action based on the factual findings of another remote state, provided that the member state follows its own procedures for taking the adverse action.

(7) Joint investigations:

(a) In addition to the authority granted to a member state by its respective state law, any member state may participate with other member states in joint investigations of licensees.

(b) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint investigation initiated under the compact.

(8) If adverse action is taken by the home state against a licensee's home state license resulting in an encumbrance on the home state license, the licensee's compact privilege(s) in all other member states must be revoked until all encumbrances have been removed from the home state license. All home state disciplinary orders that impose adverse action against a licensee must include a statement that the licensee's compact privileges are revoked in all member states during the pendency of the order.

(9) Once an encumbered license in the home state is restored to an unencumbered license as certified by the home state's licensing authority, the licensee must meet the requirements of section 4(1) and follow the administrative requirements to reapply to obtain a compact privilege in any remote state.

(10) If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the other member states of any adverse actions.

(11) Nothing in this compact may override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

SECTION 8
ESTABLISHMENT OF THE DIETITIAN
LICENSURE COMPACT COMMISSION

(1) The compact member states hereby create and establish a joint government agency whose membership consists of all member states that have enacted the compact known as the dietitian licensure compact commission. The compact commission is an instrumentality of the compact states acting jointly and not an instrumentality of any one state. The compact commission shall come into existence on or after the effective date of the compact as set forth in section 12.

(2) Membership, voting, and meetings:

(a) Each member state must have and be limited to one delegate selected by that member state's licensing authority.

(b) The delegate must be the primary administrator of the licensing authority or their designee.

(c) The compact commission shall by rule or bylaw establish a term of office for delegates and may by rule or bylaw establish term limits.

(d) The compact commission may recommend removal or suspension of any delegate from office.

(e) A member state's licensing authority shall fill any vacancy of its delegate occurring on the compact commission within 60 days of the vacancy.

(f) Each delegate must be entitled to one vote on all matters before the compact commission requiring a vote by the delegates.

(g) Delegates shall meet and vote by such means as set forth in the bylaws. The bylaws may provide for delegates to meet and vote in-person or by telecommunication, video conference, or other means of communication.

(h) The compact commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The compact commission may meet in person or by telecommunication, video conference, or other means of communication.

(3) The compact commission must have the following powers:

(a) establish the fiscal year of the compact commission;

(b) establish code of conduct and conflict of interest policies;

(c) establish and amend rules and bylaws;

(d) maintain its financial records in accordance with the bylaws;

(e) meet and take such actions as are consistent with the provisions of this compact, the compact commission's rules, and the bylaws;

(f) initiate and conclude legal proceedings or actions in the name of the compact commission, provided that the standing of any licensing authority to sue or be sued under applicable law may not be affected;

(g) maintain and certify records and information provided to a member state as the authenticated business records of the compact commission and designate an agent to do so on the compact commission's behalf;

(h) purchase and maintain insurance and bonds;

(i) borrow, accept, or contract for services of personnel, including but not limited to employees of a member state;

(j) conduct an annual financial review;

(k) hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the compact commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(l) assess and collect fees;

(m) accept any and all appropriate donations, grants of money, other sources of revenue, equipment, supplies, materials, services, and gifts, and receive, utilize, and dispose of the same, provided that at all times the compact commission shall avoid any actual or appearance of impropriety or conflict of interest;

(n) lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;

(o) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

(p) establish a budget and make expenditures;

(q) borrow money;

(r) appoint committees, including standing committees, composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact or the bylaws;

(s) provide and receive information from and cooperate with law enforcement agencies;

(t) establish and elect an executive committee, including a chair and a vice chair;

(u) determine whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the compact; and

(v) perform such other functions as may be necessary or appropriate to achieve the purposes of this compact.

(4) The executive committee:

(a) The executive committee must have the power to act on behalf of the compact commission according to the terms of this compact. The powers, duties, and responsibilities of the executive committee must include:

(i) oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its rules and bylaws, and other such duties as deemed necessary;

(ii) recommend to the compact commission changes to the rules or bylaws, changes to this compact legislation, fees charged to compact member states, fees charged to licensees, and other fees;

(iii) ensure compact administration services are appropriately provided, including by contract;

(iv) prepare and recommend the budget;

(v) maintain financial records on behalf of the compact commission;

(vi) monitor compact compliance of member states and provide compliance reports to the compact commission;

(vii) establish additional committees as necessary;

(viii) exercise the powers and duties of the compact commission during the interim between compact commission meetings, except for adopting or amending rules, adopting or amending bylaws, and exercising any other

powers and duties expressly reserved to the compact commission by rule or bylaw; and

(ix) other duties as provided in the rules or bylaws of the compact commission.

(b) The executive committee must be composed of nine members:

(i) the chair and vice chair of the compact commission must be voting members of the executive committee;

(ii) five voting members from the current membership of the compact commission, elected by the compact commission;

(iii) one ex-officio, nonvoting member from a recognized professional association representing dietitians; and

(iv) one ex-officio, nonvoting member from a recognized national credentialing organization for dietitians.

(c) The compact commission may remove any member of the executive committee as provided in the compact commission's bylaws.

(d) The executive committee shall meet at least annually.

(i) Executive committee meetings must be open to the public, except that the executive committee may meet in a closed, nonpublic meeting as provided in subsection (6)(b).

(ii) The executive committee shall give 30 days' notice of its meetings, posted on the website of the compact commission and as determined to provide notice to persons with an interest in the business of the compact commission.

(iii) The executive committee may hold a special meeting in accordance with subsection (6)(a)(ii).

(5) The compact commission shall adopt and provide to the member states an annual report.

(6) Meetings of the compact commission:

(a) All meetings must be open to the public, except that the compact commission may meet in a closed, nonpublic meeting as provided in subsection (6)(b).

(i) Public notice for all meetings of the full compact commission must be given in the same manner as required under the rulemaking provisions in section 10, except that the compact commission may hold a special meeting as provided in subsection (6)(a)(ii).

(ii) The compact commission may hold a special meeting when it must meet to conduct emergency business by giving 24 hours' notice to all member states on the compact commission's website and other means as provided in the compact commission's rules. The compact commission's legal counsel shall certify that the compact commission's need to meet qualifies as an emergency.

(b) The compact commission or the executive committee or other committees of the compact commission may convene in a closed, nonpublic meeting for the compact commission or executive committee or other committees of the compact commission to receive legal advice or to discuss:

(i) noncompliance of a member state with its obligations under the compact;

(ii) the employment, compensation, discipline, or other matters, practices, or procedures related to specific employees;

(iii) current or threatened discipline of a licensee by the compact commission or by a member state's licensing authority;

(iv) current, threatened, or reasonably anticipated litigation;

(v) negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

(vi) accusing any person of a crime or formally censuring any person;

(vii) trade secrets or commercial or financial information that is privileged or confidential;

(viii) information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(ix) investigative records compiled for law enforcement purposes;

(x) information related to any investigative reports prepared by or on behalf of or for use of the compact commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact;

(xi) matters specifically exempted from disclosure by federal or member state law; or

(xii) other matters as specified in the rules of the compact commission.

(c) If a meeting or portion of a meeting is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference must be recorded in the minutes.

(d) The compact commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action must be identified in such minutes. All minutes and documents of a closed meeting must remain under seal, subject to release only by a majority vote of the compact commission or order of a court of competent jurisdiction.

(7) Financing of the compact commission:

(a) The compact commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

(b) The compact commission may accept any and all appropriate revenue sources as provided in subsection (3)(m).

(c) The compact commission may levy on and collect an annual assessment from each member state and impose fees on licensees of member states to whom it grants a compact privilege to cover the cost of the operations and activities of the compact commission and its staff, which must, in a total amount, be sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for member states must be allocated based upon a formula that the compact commission shall promulgate by rule.

(d) The compact commission may not incur obligations of any kind prior to securing the funds adequate to meet the same, nor may the compact commission pledge the credit of any of the member states, except by and with the authority of the member state.

(e) The compact commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the compact commission must be subject to the financial review and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the compact commission must be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review must be included in and become part of the annual report of the compact commission.

(f) Qualified immunity, defense, and indemnification:

(i) The members, officers, executive director, employees and representatives of the compact commission must be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of compact commission employment, duties, or responsibilities; provided that nothing in this paragraph may be construed

to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the compact commission may not in any way compromise or limit the immunity granted hereunder.

(ii) The compact commission shall defend any member, officer, executive director, employee, and representative of the compact commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of compact commission employment, duties, or responsibilities, or as determined by the compact commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of compact commission employment, duties, or responsibilities; provided that nothing herein may be construed to prohibit that person from retaining their own counsel at their own expense; and provided further that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(iii) The compact commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the compact commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of compact commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of compact commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

(iv) Nothing herein may be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which must be governed solely by any other applicable state laws.

(v) Nothing in this compact may be interpreted to waive or otherwise abrogate a member state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or anticompetitive law or regulation.

(iv) Nothing in this compact may be construed to be a waiver of sovereign immunity by the member states or by the compact commission.

SECTION 9

DATA SYSTEM

(1) The compact commission shall provide for the development, maintenance, operation, and utilization of a coordinated data system.

(2) The compact commission shall assign each applicant for a compact privilege a unique identifier, as determined by the rules.

(3) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the compact commission, including:

(a) identifying information;

(b) licensure data;

(c) adverse actions against a license or compact privilege and information related thereto;

(d) nonconfidential information related to alternative program participation, the beginning and ending dates of such participation, and other information related to such participation not made confidential under member state law;

(e) any denial of application for licensure, and the reason(s) for such denial;

(f) the presence of current significant investigative information; and

(g) other information that may facilitate the administration of this compact or the protection of the public, as determined by the rules of the compact commission.

(4) The records and information provided to a member state pursuant to this compact or through the data system, when certified by the compact commission or an agent thereof, must constitute the authenticated business records of the compact commission, and must be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative proceedings in a member state.

(5) Current significant investigative information pertaining to a licensee in any member state must only be available to other member states.

(6) It is the responsibility of the member states to report any adverse action against a licensee and to monitor the data system to determine whether any adverse action has been taken against a licensee. Adverse action information pertaining to a licensee in any member state must be available to any other member state.

(7) Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

(8) Any information submitted to the data system that is subsequently expunged pursuant to federal law or the laws of the member state contributing the information must be removed from the data system.

SECTION 10
RULEMAKING

(1) The compact commission shall promulgate reasonable rules in order to effectively and efficiently implement and administer the purposes and provisions of the compact. A rule must be invalid and have no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the compact commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the compact or the powers granted hereunder or based upon another applicable standard of review.

(2) The rules of the compact commission must have the force of law in each member state, provided however that where the rules conflict with the laws or regulations of a member state that relate to the procedures, actions, and processes a licensed dietitian is permitted to undertake in that state and the circumstances under which they may do so, as held by a court of competent jurisdiction, the rules of the compact commission must be ineffective in that state to the extent of the conflict.

(3) The compact commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules must become binding on the day following adoption or as of the date specified in the rule or amendment, whichever is later.

(4) If a majority of the legislatures of the member states rejects a rule or portion of a rule by enactment of a statute or resolution in the same manner used to adopt the compact within 4 years of the date of adoption of the rule, then such rule must have no further force and effect in any member state.

(5) Rules must be adopted at a regular or special meeting of the compact commission.

(6) Prior to adoption of a proposed rule, the compact commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

(7) Prior to adoption of a proposed rule by the compact commission and at least 30 days in advance of the meeting at which the compact commission

will hold a public hearing on the proposed rule, the compact commission shall provide a notice of proposed rulemaking:

(a) on the website of the compact commission or other publicly accessible platform;

(b) to persons who have requested notice of the compact commission's notices of proposed rulemaking; and

(c) in such other way(s) as the compact commission may by rule specify.

(8) The notice of proposed rulemaking must include:

(a) the time, date, and location of the public hearing at which the compact commission will hear public comments on the proposed rule and, if different, the time, date, and location of the meeting where the compact commission will consider and vote on the proposed rule;

(b) if the hearing is held via telecommunication, video conference, or other means of communication, the compact commission shall include the mechanism for access to the hearing in the notice of proposed rulemaking;

(c) the text of the proposed rule and the reason therefore;

(d) a request for comments on the proposed rule from any interested person; and

(e) the manner in which interested persons may submit written comments.

(9) All hearings must be recorded. A copy of the recording and all written comments and documents received by the compact commission in response to the proposed rule must be available to the public.

(10) Nothing in this section may be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the compact commission at hearings required by this section.

(11) The compact commission shall, by majority vote of all members, take final action on the proposed rule based on the rulemaking record and the full text of the rule.

(a) The compact commission may adopt changes to the proposed rule provided the changes do not enlarge the original purpose of the proposed rule.

(b) The compact commission shall provide an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters.

(c) The compact commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in section 10(12), the effective date of the rule must be no sooner than 30 days after issuing the notice that it adopted or amended the rule.

(12) Upon determination that an emergency exists, the compact commission may consider and adopt an emergency rule with 24 hours' notice, with opportunity to comment, provided that the usual rulemaking procedures provided in the compact and in this section must be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

(a) meet an imminent threat to public health, safety, or welfare;

(b) prevent a loss of compact commission or member state funds;

(c) meet a deadline for the promulgation of a rule that is established by federal law or rule; or

(d) protect public health and safety.

(13) The compact commission or an authorized committee of the compact commission may direct revision to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revision must be posted on the website of the compact commission. The revision must be subject to challenge by any

person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge must be made in writing and delivered to the compact commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the compact commission.

(14) No member state's rulemaking requirements may apply under this compact.

SECTION 11
OVERSIGHT, DISPUTE RESOLUTION,
AND ENFORCEMENT

(1) Oversight:

(a) The executive and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to implement this compact.

(b) Except as otherwise provided in this compact, venue is proper and judicial proceedings by or against the compact commission must be brought solely and exclusively in a court of competent jurisdiction where the principal office of the compact commission is located. The compact commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein may affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct, or any such similar matter.

(c) The compact commission must be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact and must have standing to intervene in such a proceeding for all purposes. Failure to provide the compact commission service of process must render a judgment or order void as to the compact commission, this compact, or promulgated rules.

(2) Default, technical assistance, and termination:

(a) If the compact commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the compact commission shall provide written notice to the defaulting state. The notice of default must describe the default, the proposed means of curing the default, and any other action that the compact commission may take and must offer training and specific technical assistance regarding the default.

(b) The compact commission shall provide a copy of the notice of default to the other member states.

(3) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the delegates of the member states, and all rights, privileges, and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(4) Termination of membership in the compact may be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate must be given by the compact commission to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's licensing authority, and each of the member states' licensing authority.

(5) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(6) Upon the termination of a state's membership from this compact, that state shall immediately provide notice to all licensees within that state of such termination. The terminated state shall continue to recognize all compact privileges granted pursuant to this compact for a minimum of 6 months after the date of said notice of termination.

(7) The compact commission may not bear any costs related to a state that is found to be in default or that has been terminated from the compact unless agreed upon in writing between the compact commission and the defaulting state.

(8) The defaulting state may appeal the action of the compact commission by petitioning the U.S. district court for the District of Columbia or the federal district where the compact commission has its principal offices. The prevailing party must be awarded all costs of such litigation, including reasonable attorney fees.

(9) Dispute resolution:

(a) Upon request by a member state, the compact commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

(b) The compact commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(10) Enforcement:

(a) By supermajority vote, the compact commission may initiate legal action against a member state in default in the United States district court for the District of Columbia or the federal district where the compact commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party must be awarded all costs of such litigation, including reasonable attorney fees. The remedies herein may not be the exclusive remedies of the compact commission. The compact commission may pursue any other remedies available under federal or the defaulting member state's law.

(b) A member state may initiate legal action against the compact commission in the U.S. District court for the District of Columbia or the federal district where the compact commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party must be awarded all costs of such litigation, including reasonable attorney fees.

(c) No party other than a member state may enforce this compact against the compact commission.

SECTION 12
EFFECTIVE DATE, WITHDRAWAL,
AND AMENDMENT

(1) The compact must come into effect on the date on which the compact statute is enacted into law in the seventh member state.

(a) On or after the effective date of the compact, the compact commission shall convene and review the enactment of each of the first seven member states ("charter member states") to determine if the statute enacted by each such charter member state is materially different than the model compact statute.

(i) A charter member state whose enactment is found to be materially different from the model compact statute must be entitled to the default process set forth in section 11.

(ii) If any member state is later found to be in default, or is terminated, or withdraws from the compact, the compact commission shall remain in existence and the compact must remain in effect even if the number of member states should be less than seven.

(b) Member states enacting the compact subsequent to the seven initial charter member states must be subject to the process set forth in section 8(3)(u) to determine if their enactments are materially different from the model compact statute and whether they qualify for participation in the compact.

(c) All actions taken for the benefit of the compact commission or in furtherance of the purposes of the administration of the compact prior to the effective date of the compact or the compact commission coming into existence must be considered to be actions of the compact commission unless specifically repudiated by the compact commission.

(d) Any state that joins the compact subsequent to the compact commission's initial adoption of the rules and bylaws must be subject to the rules and bylaws as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the compact commission must have the full force and effect of law on the day the compact becomes law in that state.

(2) Any member state may withdraw from this compact by enacting a statute repealing the same.

(a) A member state's withdrawal may not take effect until 180 days after enactment of the repealing statute.

(b) Withdrawal may not affect the continuing requirement of the withdrawing state's licensing authority to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

(c) Upon the enactment of a statute withdrawing from this compact, a state shall immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all compact privileges granted pursuant to this compact for a minimum of 180 days after the date of such notice of withdrawal.

(3) Nothing contained in this compact may be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

(4) This compact may be amended by the member states. No amendment to this compact may become effective and binding upon any member state until it is enacted into the laws of all member states.

SECTION 13

CONSTRUCTION AND SEVERABILITY

(1) This compact and the compact commission's rulemaking authority must be liberally construed so as to effectuate the purposes and the implementation and administration of the compact. Provisions of the compact expressly authorizing or requiring the promulgation of rules may not be construed to limit the compact commission's rulemaking authority solely for those purposes.

(2) The provisions of this compact must be severable and if any phrase, clause, sentence, or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any member state, a state seeking participation in the compact, or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity

of the remainder of this compact and the applicability thereof to any other government, agency, person, or circumstance may not be affected thereby.

(3) Notwithstanding section 13(2), the compact commission may deny a state's participation in the compact or, in accordance with the requirements of section 11(2), terminate a member state's participation in the compact, if it determines that a constitutional requirement of a member state is a material departure from the compact. Otherwise, if this compact must be held to be contrary to the constitution of any member state, the compact must remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

SECTION 14
CONSISTENT EFFECT AND CONFLICT
WITH OTHER STATE LAWS

(1) Nothing herein may prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with the compact.

(2) Any laws, statutes, regulations, or other legal requirements in a member state in conflict with the compact are superseded to the extent of the conflict.

(3) All permissible agreements between the compact commission and the member states are binding in accordance with their terms.

Section 2. Criminal background check. (1) Each applicant for licensure shall submit a full set of the applicant's fingerprints to the board for the purpose of obtaining a state and federal criminal history background check.

(2) Each license applicant is responsible to pay all fees charged in relation to obtaining the state and federal criminal history background check.

(3) The board may require a licensee renewing a license to submit a full set of the licensee's fingerprints to the board for the purpose of obtaining a state and federal criminal history background check.

(4) The Montana department of justice may share the fingerprint data obtained under subsection (1) or (3) with the federal bureau of investigation.

Section 3. Codification instruction. (1) [Section 1] is intended to be codified as a new part of Title 37, chapter 25, and the provisions of Title 37, chapter 25, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 37, chapter 25, part 3, and the provisions of Title 37, chapter 25, part 3, apply to [section 2].

Section 4. Contingent effective date. [This act] is effective on the date that the compact has been legislatively enacted into law by the seventh member state. The department of labor and industry shall notify the code commissioner within 15 days of the occurrence of the contingency.

Approved April 16, 2025

CHAPTER NO. 143

[SB 261]

AN ACT GENERALLY REVISING THE OFFENSE OF ENDANGERING THE WELFARE OF CHILDREN; ESTABLISHING THAT A PERSON COMMITS THE OFFENSE OF ENDANGERING THE WELFARE OF CHILDREN BY EXPOSING A CHILD TO MARIJUANA OR DANGEROUS DRUGS OR ASSISTING A CHILD IN ENTERING AN ADULT-USE DISPENSARY OR A PLACE WHERE HUMAN TRAFFICKING OR THE PRODUCTION OF DANGEROUS DRUGS IS TAKING PLACE; AND AMENDING SECTION 45-5-622, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 45-5-622, MCA, is amended to read:

"**45-5-622. Endangering welfare of children.** (1) (a) A parent, guardian, or other person supervising the welfare of a child less than 18 years old commits the offense of endangering the welfare of children if the parent, guardian, or other person knowingly endangers the child's welfare by violating a duty of care, protection, or support.

(b) A parent or guardian of a child does not violate a duty of care, protection, or support by permitting the child to engage in independent activities consistent with the child's intellectual, emotional, and physical maturity, including:

(i) traveling to and from school by walking, running, bicycling, public transit, or other means;

(ii) traveling to and from nearby commercial or recreational facilities;

(iii) engaging in outdoor play;

(iv) remaining for less than 15 minutes in a vehicle if the temperature inside the vehicle is not or will not become dangerously hot or cold;

(v) remaining at home if the parent or guardian:

(A) returns home the same day on which the parent or guardian gives the child permission to remain at home;

(B) makes provisions for the child to contact the parent or guardian; and

(C) makes provisions for any reasonably foreseeable emergency.

(2) Except as provided in 16-6-305, a parent or guardian or any person who is 18 years of age or older, whether or not the parent, guardian, or other person is supervising the welfare of the child, commits the offense of endangering the welfare of children if the parent, guardian, or other person knowingly contributes to the delinquency of a child less than:

(a) 18 years old by:

(i) supplying or encouraging the use of an intoxicating substance by the child;

(ii) causing or permitting the child to inhale, be exposed to, or ingest marijuana as defined in 50-32-101, including products containing tetrahydrocannabinol (THC), such as ingestible foods or drinks; ~~or~~

~~(ii)~~*(iii)* assisting, promoting, or encouraging the child to enter a place of prostitution *or human trafficking as defined in 45-5-701;*

(iv) assisting, promoting, or encouraging the child to enter an adult-use dispensary as defined in 16-12-102; or

(v) assisting, promoting, or encouraging the child to enter a place where the criminal production or manufacture of dangerous drugs is taking place as described in 45-9-110; or

(b) 16 years old by assisting, promoting, or encouraging the child to:

(i) abandon the child's place of residence without the consent of the child's parents or guardian; or

(ii) engage in sexual conduct.

(3) A person, whether or not the person is supervising the welfare of a child less than 18 years of age, commits the offense of endangering the welfare of children if the person, in the residence of a child, in a building, structure, conveyance, or outdoor location where a child might reasonably be expected to be present, in a room offered to the public for overnight accommodation, or in any multiple-unit residential building, knowingly:

(a) produces or manufactures ~~methamphetamine~~ *a dangerous drug listed in Schedules I through V as provided in Title 50, chapter 32, part 2,* or attempts to produce or manufacture ~~methamphetamine~~ *a dangerous drug listed in Schedules I through V as provided in Title 50, chapter 32, part 2*;

(b) possesses any material, compound, mixture, or preparation that contains any combination of the items listed in 45-9-107 with intent to manufacture ~~methamphetamine~~ *a dangerous drug listed in Schedules I through V as provided in Title 50, chapter 32, part 2*; or

(c) causes or permits a child to inhale, be exposed to, have contact with, or ingest ~~methamphetamine or be exposed to or have contact with methamphetamine paraphernalia~~ *a dangerous drug listed in Schedules I through V as provided in Title 50, chapter 32, part 2, unless under the direction of a physician or licensed medical provider*.

(4) A parent, guardian, or other person supervising the welfare of a child less than 16 years of age may verbally or in writing request a person who is 18 years of age or older and who has no legal right of supervision or control over the child to stop contacting the child if the requester believes that the contact is not in the child's best interests. If the person continues to contact the child, the parent, guardian, or other person supervising the welfare of the child may petition or the county attorney may upon the person's request petition for an order of protection under Title 40, chapter 15. To the extent that they are consistent with this subsection, the provisions of Title 40, chapter 15, apply. A person who purposely or knowingly violates an order of protection commits the offense of endangering the welfare of children and upon conviction shall be sentenced as provided in subsection (5)(a).

(5) (a) Except as provided in subsection (5)(b), a person convicted of endangering the welfare of children shall be fined an amount not to exceed $500 or be imprisoned in the county jail for any term not to exceed 6 months, or both. A person convicted of a second offense of endangering the welfare of children shall be fined an amount not to exceed $1,000 or be imprisoned in the county jail for any term not to exceed 6 months, or both.

(b) A person convicted under subsection (3) is guilty of a felony and shall be imprisoned in the state prison for a term not to exceed 5 years and may be fined an amount not to exceed $10,000, or both. If a child suffers serious bodily injury, the offender shall be fined an amount not to exceed $25,000 or be imprisoned for a term not to exceed 10 years, or both. Prosecution or conviction of a violation of subsection (3) does not bar prosecution or conviction for any other crime committed by the offender as part of the same conduct.

(6) On the issue of whether there has been a violation of the duty of care, protection, and support, the following, in addition to all other admissible evidence, is admissible: cruel treatment; abuse; infliction of unnecessary and cruel punishment; abandonment; neglect; lack of proper medical care, clothing, shelter, and food; and evidence of past bodily injury.

(7) The court may order, in its discretion, any fine levied or any bond forfeited upon a charge of endangering the welfare of children paid to or for the benefit of the person or persons whose welfare the defendant has endangered.

(8) As used in this section, "causing or permitting the child to inhale, be exposed to, or ingest marijuana" does not include the inhalation of secondhand smoke incidental to an adult's lawful use as provided in Title 16, chapter 12."

Approved April 16, 2025

CHAPTER NO. 144

[SB 256]

AN ACT GENERALLY REVISING LAWS RELATED TO THE ACCESS OF CHILD ABUSE AND NEGLECT INVESTIGATION RECORDS; REVISING EXCEPTIONS TO THE CONFIDENTIALITY OF RECORDS; REVISING

DISCOVERY PROCEDURES IN ABUSE AND NEGLECT PROCEEDINGS; PROVIDING FOR ACCESS TO RECORDS IN CHILD CUSTODY PROCEEDINGS; AND AMENDING SECTIONS 41-3-205 AND 41-3-431, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 41-3-205, MCA, is amended to read:

"**41-3-205. Confidentiality -- disclosure exceptions.** (1) The case records of the department and its local affiliate, the local office of public assistance, the county attorney, and the court concerning actions taken under this chapter and all records concerning reports of child abuse and neglect must be kept confidential except as provided by *the provisions of 41-3-431 and* this section. Except as provided in *41-3-431 and* subsections (9) and (10) *of this section*, a person who purposely or knowingly permits or encourages the unauthorized dissemination of the contents of case records is guilty of a misdemeanor.

(2) Records may be disclosed to a court for in camera inspection if relevant to an issue before it. The court may permit public disclosure if it finds disclosure to be necessary for the fair resolution of an issue before it.

(3) Records, including case notes, correspondence, evaluations, videotapes, and interviews, unless otherwise protected by this section or unless disclosure of the records is determined to be detrimental to the child or harmful to another person who is a subject of information contained in the records, must, upon request, be disclosed to the following persons or entities in this state and any other state or country:

(a) a department, agency, or organization, including a federal agency, military enclave, or Indian tribal organization, that is legally authorized to receive, inspect, or investigate reports of child abuse or neglect and that otherwise meets the disclosure criteria contained in this section;

(b) a licensed youth care facility or a licensed child-placing agency that is providing services to the family or child who is the subject of a report in the records or to a person authorized by the department to receive relevant information for the purpose of determining the best interests of a child with respect to an adoptive placement;

(c) a health or mental health professional who is treating the family or child who is the subject of a report in the records;

(d) a parent, grandparent, aunt, uncle, brother, sister, guardian, mandatory reporter provided for in 41-3-201(2) and (5), or person designated by a parent or guardian of the child who is the subject of a report in the records or other person responsible for the child's welfare, without disclosure of the identity of any person who reported or provided information on the alleged child abuse or neglect incident contained in the records;

(e) a child named in the records who was allegedly abused or neglected or the child's legal guardian or legal representative, including the child's guardian ad litem or attorney or a special advocate appointed by the court to represent a child in a pending case;

(f) the state protection and advocacy program as authorized by 42 U.S.C. 15043(a)(2);

(g) approved foster and adoptive parents who are or may be providing care for a child;

(h) a person about whom a report has been made and that person's attorney, with respect to the relevant records pertaining to that person only and without disclosing the identity of the reporter or any other person whose safety may be endangered;

(i) an agency, including a probation or parole agency, that is legally responsible for the supervision of an alleged perpetrator of child abuse or neglect;

(j) a person, agency, or organization that is engaged in a bona fide research or evaluation project and that is authorized by the department to conduct the research or evaluation;

(k) the members of an interdisciplinary child protective team authorized under 41-3-108 or of a family engagement meeting for the purposes of assessing the needs of the child and family, formulating a treatment plan, and monitoring the plan;

(l) the coroner or medical examiner when determining the cause of death of a child;

(m) a child fatality review team recognized by the department;

(n) a department or agency investigating an applicant for a license or registration that is required to operate a youth care facility, day-care facility, or child-placing agency~~;~~. *A department or agency under this subsection (3)(n) is limited to using, for the purposes of a licensing decision, information collected as part of an investigation in which the allegation of child abuse or neglect is made against the person about whom the information is sought and where the case determination is substantiated.*

(o) a person or entity who is carrying out background, employment-related, or volunteer-related screening of current or prospective employees or volunteers who have or may have unsupervised contact with children through employment or volunteer activities. A request for information under this subsection (3)(o) must be made in writing. Disclosure under this subsection (3)(o) is limited to information ~~that indicates a risk to children posed by the person about whom the information is sought, as determined by the department~~ *collected as part of an investigation in which the allegation of child abuse or neglect is made against the person about whom the information is sought and where the case determination is substantiated*.

(p) the news media, if disclosure is limited to confirmation of factual information regarding how the case was handled and if disclosure does not violate the privacy rights of the child or the child's parent or guardian, as determined by the department;

(q) an employee of the department or other state agency if disclosure of the records is necessary for administration of programs designed to benefit the child;

(r) an agency of an Indian tribe, a qualified expert witness, or the relatives of an Indian child if disclosure of the records is necessary to meet requirements of the federal Indian Child Welfare Act ~~[or the Montana Indian Child Welfare Act provided for in Title 41, chapter 3, part 13]~~;

(s) a juvenile probation officer who is working in an official capacity with the child who is the subject of a report in the records;

(t) an attorney who is hired by or represents the department if disclosure is necessary for the investigation, defense, or prosecution of a case involving child abuse or neglect;

(u) a foster care review committee established under 41-3-115 or, when applicable, a citizen review board established under Title 41, chapter 3, part 10;

(v) a school employee participating in an interview of a child by a child protection specialist, county attorney, or peace officer, as provided in 41-3-202;

(w) a member of a county or regional interdisciplinary child information and school safety team formed under the provisions of 52-2-211;

(x) members of a local interagency staffing group provided for in 52-2-203;

(y) a member of a youth placement committee formed under the provisions of 41-5-121; or

(z) a principal of a school or other employee of the school district authorized by the trustees of the district to receive the information with respect to a student of the district who is a client of the department.

(4) (a) The records described in subsection (3) must be disclosed to a member of the United States congress or a member of the Montana legislature if all of the following requirements are met:

(i) the member receives a written inquiry regarding a child and whether the laws of the United States or the state of Montana that protect children from abuse or neglect are being complied with or whether the laws need to be changed to enhance protections for children;

(ii) the member submits a written request to the department requesting to review the records relating to the written inquiry. The member's request must include a copy of the written inquiry, the name of the child whose records are to be reviewed, and any other information that will assist the department in locating the records.

(iii) before reviewing the records, the member:

(A) signs a form that outlines the state and federal laws regarding confidentiality and the penalties for unauthorized release of the information; and

(B) receives from the department an orientation of the content and structure of the records. The orientation must include a checklist of documents that are regularly included in records, including but not limited to the following:

(I) any petition filed pursuant to Title 41, chapter 3, part 4, including any supporting affidavits and evidence;

(II) any court orders issued pursuant to Title 41, chapter 3, parts 4 and 6;

(III) notes from family engagement meetings and foster care review meetings; and

(IV) notes included in electronic case records or in case files maintained in local offices regarding staffing and interactions with parents or legal guardians, providers, or attorneys.

(b) (i) Without disclosing the identity of a person who reported the alleged child abuse or neglect, the department shall make available to the member all records concerning the child who is the subject of the written inquiry.

(ii) Except as provided in subsection (4)(b)(iii), records disclosed pursuant to this subsection (4) are confidential, may not be copied, photographed, or otherwise replicated by the member, and must remain solely in the department's possession. The member must be allowed to view the records in the local office where the case is or was active.

(iii) A member may take notes to discuss the records with a parent or legal guardian about whom a report of alleged child abuse or neglect is made.

(c) Access to records requested pursuant to this subsection (4) is limited to 6 months from the date the written request to review records was received by the department.

(5) (a) The records described in subsection (3) must be promptly released to any of the following individuals upon a written request by the individual to the department or the department's designee:

(i) the attorney general;

(ii) a county attorney or deputy county attorney of the county in which the alleged abuse or neglect occurred;

(iii) a peace officer, as defined in 45-2-101, in the jurisdiction in which the alleged abuse or neglect occurred; or

(iv) the office of the child and family ombudsman.

(b) The records described in subsection (3) must be promptly disclosed by the department to an appropriate individual described in subsection (5)(a) or to a county or regional interdisciplinary child information and school safety team established pursuant to 52-2-211 upon the department's receipt of a report indicating that any of the following has occurred:

(i) the death of the child as a result of child abuse or neglect;

(ii) a sexual offense, as defined in 46-23-502, against the child;

(iii) exposure of the child to an actual and not a simulated violent offense as defined in 46-23-502; or

(iv) child abuse or neglect, as defined in 41-3-102, due to exposure of the child to circumstances constituting the criminal manufacture or distribution of dangerous drugs.

(c) (i) The department shall promptly disclose the results of an investigation to an individual described in subsection (5)(a) or to a county or regional interdisciplinary child information and school safety team established pursuant to 52-2-211 upon the determination that:

(A) there is reasonable cause to suspect that a child has been exposed to a Schedule I or Schedule II drug whose manufacture, sale, or possession is prohibited under state law; or

(B) a child has been exposed to drug paraphernalia used for the manufacture, sale, or possession of a Schedule I or Schedule II drug that is prohibited by state law.

(ii) For the purposes of this subsection (5)(c), exposure occurs when a child is caused or permitted to inhale, have contact with, or ingest a Schedule I or Schedule II drug that is prohibited by state law or have contact with drug paraphernalia as defined in 45-10-101.

(d) (i) Except as provided in subsection (5)(d)(ii), the records described in subsection (3) must be released within 5 business days to the county attorney of the county in which the acts that are the subject of a report occurred upon the department's receipt of a report that includes an allegation of sexual abuse or sexual exploitation. The department shall also report to any other appropriate individual described in subsection (5)(a) and to a county or regional interdisciplinary child information and school safety team established pursuant to 52-2-211.

(ii) If the exception in 41-3-202(1)(b) applies, a contractor described in 41-3-201(2)(j) that provides confidential services to victims of sexual assault shall report to the department as provided in this part without disclosing the names of the victim and the alleged perpetrator of sexual abuse or sexual exploitation.

(iii) When a contractor described in 41-3-201(2)(j) that provides confidential services to victims of sexual assault provides services to youth over the age of 13 who are victims of sexual abuse and sexual exploitation, the contractor may not dissuade or obstruct a victim from reporting the criminal activity and, upon a request by the victim, shall facilitate disclosure to the county attorney and a law enforcement officer as described in Title 7, chapter 32, in the jurisdiction where the alleged abuse occurred.

(6) A school or school district may disclose, without consent, personally identifiable information from the education records of a pupil to the department, the court, a review board, and the child's assigned attorney, guardian ad litem, or special advocate.

(7) Information that identifies a person as a participant in or recipient of substance abuse treatment services may be disclosed only as allowed by federal substance abuse confidentiality laws, including the consent provisions of the law.

(8) The confidentiality provisions of this section must be construed to allow a court of this state to share information with other courts of this state or of another state when necessary to expedite the interstate placement of children.

(9) A person who is authorized to receive records under this section shall maintain the confidentiality of the records and may not disclose information in the records to anyone other than the persons described in subsections (3)(a), (4)(b)(iii), and (5). However, this subsection may not be construed to compel a family member to keep the proceedings confidential.

(10) A news organization or its employee, including a freelance writer or reporter, is not liable for reporting facts or statements made by an immediate family member under subsection (9) if the news organization, employee, writer, or reporter maintains the confidentiality of the child who is the subject of the proceeding.

(11) This section is not intended to affect the confidentiality of criminal court records, records of law enforcement agencies, or medical records covered by state or federal disclosure limitations.

(12) Copies of records, evaluations, reports, or other evidence obtained or generated pursuant to this section that are provided to the parent, grandparent, aunt, uncle, brother, sister, guardian, or parent's or guardian's attorney must be provided without cost. ~~(Bracketed language in subsection (3)(r) terminates June 30, 2025--sec. 55, Ch. 716, L. 2023.)~~"

Section 2. Section 41-3-431, MCA, is amended to read:

"**41-3-431. Discovery procedure.** (1) On request of a parent who is a party to ~~the~~ *a* proceeding *under Title 40 or Title 41*, the department shall*, pursuant to Rules 26 through 37 of the Montana Rules of Civil Procedure,* make available for examination and reproduction the following material and information within the department's possession or control:

(a) the names, addresses, and statements of all persons who the department may call to provide testimony;

(b) all written or oral statements, reports, case notes, correspondence, evaluations, interviews, and documentation produced by the department or in the department's possession that addresses the parent or child;

(c) all written reports or statements of experts who have personally examined the child or any evidence, together with the results of any physical or psychological examinations;

(d) all papers, documents, photographs, videotapes, or tangible objects that the department may use at trial or that were obtained from or purportedly belong to the parent; and

(e) all material or information that tends to support, mitigate, or negate the department's case concerning the custody of and parental rights to the child.

(2) The department may impose reasonable conditions, including an appropriate stipulation concerning the chain of custody, to protect physical evidence produced under subsection (1)(d).

(3) The department's obligation of disclosure extends to material and information in the possession or control of members of the department's staff and of any other persons who have participated in the investigation or evaluation of ~~the~~ *a* case.

(4) On motion showing that the parent has requested discovery relevant to the preparation of ~~the~~ *a* case for additional material or information not otherwise provided for and that the parent is unable to obtain the substantial equivalent by other means, the court shall order the department or any person to make it available to the parent. ~~The court may, on the request of any person affected by the order, vacate or modify the order if compliance would be unreasonable or oppressive.~~

(5) If at any time during the course of the proceeding it is brought to the attention of the court that a party has failed to comply with any of the provisions of this section or any order issued pursuant to this section, the court may order any remedy that it finds just under the circumstances, including but not limited to:

(a) ordering disclosure of the information not previously disclosed;

(b) granting a continuance;

(c) holding a witness, party, or counsel in contempt for an intentional violation; or

(d) precluding a party from calling a witness, offering evidence, or raising a defense not disclosed.

(6) The identity of any person who reported or provided information on an alleged child abuse or neglect incident is protected from disclosure as provided under 41-3-205.

(7) Any materials furnished to an attorney under this section may not be disclosed to the public but may be disclosed to others only to the extent necessary for the proper conduct of the case.

(8) If at any time after a disclosure has been made the department discovers additional material or information that would be subject to disclosure had it been known at the time of disclosure, the department shall promptly notify the parent of the existence of the additional material or information and make an appropriate disclosure."

Approved April 16, 2025

CHAPTER NO. 145

[SB 251]

AN ACT GENERALLY REVISING LAWS RELATED TO THE OFFICE OF THE CHILD AND FAMILY OMBUDSMAN; PROVIDING THAT MATTERS UNDER INVESTIGATION ARE CONFIDENTIAL; AND PROVIDING DISCLOSURE EXCEPTIONS.

Be it enacted by the Legislature of the State of Montana:

Section 1. Confidentiality -- disclosure exceptions. (1) The office of the child and family ombudsman shall treat all matters under investigation as confidential. Information received, collected, and maintained by the office of the child and family ombudsman may not be disclosed or disseminated except as provided by this part.

(2) (a) Records of the office of the child and family ombudsman may be disclosed to a court for in camera inspection if relevant to an issue before the court. Except as provided in subsection (2)(b), the court may permit disclosure in a proceeding if the court finds disclosure to be necessary for the fair resolution of an issue.

(b) Except as provided in 41-3-1214, the identity of a person that contacts or files a request for assistance from the ombudsman is confidential.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 41, chapter 3, part 12, and the provisions of Title 41, chapter 3, part 12, apply to [section 1].

Approved April 16, 2025

CHAPTER NO. 146

[SB 249]

AN ACT REVISING CHILD ABUSE AND NEGLECT LAWS INVOLVING ADJUDICATION; REQUIRING THAT A COURT HEAR ADDITIONAL EVIDENCE FROM INDIVIDUALS CARING FOR A CHILD; AMENDING SECTION 41-3-437, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 41-3-437, MCA, is amended to read:

"**41-3-437. (Temporary) Adjudication -- temporary disposition -- findings -- order.** (1) Upon the filing of an appropriate petition, an adjudicatory hearing must be held within 90 days of a show cause hearing under 41-3-432. Adjudication may take place at the show cause hearing if the requirements of subsection (2) are met or may be made by prior stipulation of the parties pursuant to 41-3-434 and order of the court. Exceptions to the time limit may be allowed only in cases involving newly discovered evidence, unavoidable delays, stipulation by the parties pursuant to 41-3-434, and unforeseen personal emergencies.

(2) The court may make an adjudication on a petition under 41-3-422 if the court determines by a preponderance of the evidence, except as provided in the federal Indian Child Welfare Act or the Montana Indian Child Welfare Act provided for in Title 41, chapter 3, part 13, if applicable, that the child is a youth in need of care. Except as otherwise provided in this part, the Montana Rules of Civil Procedure and the Montana Rules of Evidence apply to adjudication and to an adjudicatory hearing. Adjudication must determine the nature of the abuse and neglect and establish facts that resulted in state intervention and upon which disposition, case work, court review, and possible termination are based.

(3) The court shall hear evidence regarding the residence of the child, paternity, if in question, the whereabouts of the parents, guardian, or nearest adult relative, and any other matters the court considers relevant in determining the status of the child. Hearsay evidence of statements made by the affected youth is admissible according to the Montana Rules of Evidence.

(4) ~~In a case in which abandonment has been alleged by the county attorney, the attorney general, or an attorney hired by the county, the~~ *The* court shall hear offered evidence, including evidence offered by a person appearing pursuant to 41-3-422(9)(a) or (9)(b), regarding any of the following subjects:

(a) the extent to which the child has been cared for, nurtured, or supported by a person other than the child's parents; and

(b) whether the child was placed or allowed to remain by the parents with another person for the care of the child, and, if so, then the court shall accept evidence regarding:

(i) the intent of the parents in placing the child or allowing the child to remain with that person;

(ii) the continuity of care the person has offered the child by providing permanency or stability in residence, schooling, and activities outside of the home; and

(iii) the circumstances under which the child was placed or allowed to remain with that other person, including:

(A) whether a parent requesting return of the child was previously prevented from doing so as a result of an order issued pursuant to Title 40, chapter 15, part 2, or of a conviction pursuant to 45-5-206; and

(B) whether the child was originally placed with the other person to allow the parent to seek employment or attend school.

(5) In all civil and criminal proceedings relating to abuse or neglect, the privileges related to the examination or treatment of the child do not apply, except the attorney-client privilege granted by 26-1-803 and the mediation privilege granted by 26-1-813.

(6) (a) If the court determines that the child is not an abused or neglected child, the petition must be dismissed and any order made pursuant to 41-3-427 or 41-3-432 must be vacated.

(b) If the child is adjudicated a youth in need of care, the court shall set a date for a dispositional hearing to be conducted within 20 days, as provided in 41-3-438(1), and order any necessary or required investigations. The court may issue a temporary dispositional order pending the dispositional hearing. The temporary dispositional order may provide for any of the forms of relief listed in 41-3-427(2).

(7) (a) Before making an adjudication, the court may make oral findings, and following the adjudicatory hearing, the court shall make written findings on issues, including but not limited to the following:

(i) which allegations of the petition have been proved or admitted, if any;

(ii) whether there is a legal basis for continued court and department intervention; and

(iii) whether the department has made reasonable efforts to avoid protective placement of the child or to make it possible to safely return the child to the child's home.

(b) The court may order:

(i) terms for visitation, support, and other intrafamily communication pending disposition if the child is to be placed or to remain in temporary out-of-home care prior to disposition;

(ii) examinations, evaluations, or counseling of the child or parents in preparation for the disposition hearing that does not require an expenditure of money by the department unless the court finds after notice and a hearing that the expenditure is reasonable and that resources are available for payment. The department is the payor of last resort after all family, insurance, and other resources have been examined.

(iii) the department to evaluate the noncustodial parent or relatives as possible caretakers, if not already done;

(iv) the perpetrator of the alleged child abuse or neglect to be removed from the home to allow the child to remain in the home; and

(v) the department to continue efforts to notify noncustodial parents.

(8) If a proceeding under this chapter involves an Indian child and is subject to the federal Indian Child Welfare Act or the Montana Indian Child Welfare Act, a qualified expert witness is required to testify that the continued custody of the Indian child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the Indian child. (Terminates June 30, 2025--sec. 55, Ch. 716, L. 2023.)

41-3-437. (Effective July 1, 2025) Adjudication -- temporary disposition -- findings -- order. (1) Upon the filing of an appropriate petition, an adjudicatory hearing must be held within 90 days of a show cause hearing under 41-3-432. Adjudication may take place at the show cause hearing if the requirements of subsection (2) are met or may be made by prior stipulation of the parties pursuant to 41-3-434 and order of the court. Exceptions to the time limit may be allowed only in cases involving newly discovered evidence, unavoidable delays, stipulation by the parties pursuant to 41-3-434, and unforeseen personal emergencies.

(2) The court may make an adjudication on a petition under 41-3-422 if the court determines by a preponderance of the evidence, except as provided in the federal Indian Child Welfare Act, if applicable, that the child is a youth in need of care. Except as otherwise provided in this part, the Montana Rules of Civil Procedure and the Montana Rules of Evidence apply to adjudication and to an adjudicatory hearing. Adjudication must determine the nature of the abuse and neglect and establish facts that resulted in state intervention and upon which disposition, case work, court review, and possible termination are based.

(3) The court shall hear evidence regarding the residence of the child, paternity, if in question, the whereabouts of the parents, guardian, or nearest adult relative, and any other matters the court considers relevant in determining the status of the child. Hearsay evidence of statements made by the affected youth is admissible according to the Montana Rules of Evidence.

(4) ~~In a case in which abandonment has been alleged by the county attorney, the attorney general, or an attorney hired by the county, the~~ *The* court shall hear offered evidence, including evidence offered by a person appearing pursuant to 41-3-422(9)(a) or (9)(b), regarding any of the following subjects:

(a) the extent to which the child has been cared for, nurtured, or supported by a person other than the child's parents; and

(b) whether the child was placed or allowed to remain by the parents with another person for the care of the child, and, if so, then the court shall accept evidence regarding:

(i) the intent of the parents in placing the child or allowing the child to remain with that person;

(ii) the continuity of care the person has offered the child by providing permanency or stability in residence, schooling, and activities outside of the home; and

(iii) the circumstances under which the child was placed or allowed to remain with that other person, including:

(A) whether a parent requesting return of the child was previously prevented from doing so as a result of an order issued pursuant to Title 40, chapter 15, part 2, or of a conviction pursuant to 45-5-206; and

(B) whether the child was originally placed with the other person to allow the parent to seek employment or attend school.

(5) In all civil and criminal proceedings relating to abuse or neglect, the privileges related to the examination or treatment of the child do not apply, except the attorney-client privilege granted by 26-1-803 and the mediation privilege granted by 26-1-813.

(6) (a) If the court determines that the child is not an abused or neglected child, the petition must be dismissed and any order made pursuant to 41-3-427 or 41-3-432 must be vacated.

(b) If the child is adjudicated a youth in need of care, the court shall set a date for a dispositional hearing to be conducted within 20 days, as provided in 41-3-438(1), and order any necessary or required investigations. The court may issue a temporary dispositional order pending the dispositional hearing. The temporary dispositional order may provide for any of the forms of relief listed in 41-3-427(2).

(7) (a) Before making an adjudication, the court may make oral findings, and following the adjudicatory hearing, the court shall make written findings on issues, including but not limited to the following:

(i) which allegations of the petition have been proved or admitted, if any;

(ii) whether there is a legal basis for continued court and department intervention; and

(iii) whether the department has made reasonable efforts to avoid protective placement of the child or to make it possible to safely return the child to the child's home.

(b) The court may order:

(i) terms for visitation, support, and other intrafamily communication pending disposition if the child is to be placed or to remain in temporary out-of-home care prior to disposition;

(ii) examinations, evaluations, or counseling of the child or parents in preparation for the disposition hearing that does not require an expenditure of money by the department unless the court finds after notice and a hearing that the expenditure is reasonable and that resources are available for payment. The department is the payor of last resort after all family, insurance, and other resources have been examined.

(iii) the department to evaluate the noncustodial parent or relatives as possible caretakers, if not already done;

(iv) the perpetrator of the alleged child abuse or neglect to be removed from the home to allow the child to remain in the home; and

(v) the department to continue efforts to notify noncustodial parents.

(8) If a proceeding under this chapter involves an Indian child and is subject to the federal Indian Child Welfare Act, a qualified expert witness is required to testify that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved April 16, 2025

CHAPTER NO. 147

[SB 248]

AN ACT PROVIDING THAT LEGISLATOR ACCESS TO CHILD ABUSE AND NEGLECT INVESTIGATION RECORDS INCLUDES ACCESS TO DRUG TESTING RESULTS; AND AMENDING SECTION 41-3-205, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 41-3-205, MCA, is amended to read:

"**41-3-205. Confidentiality -- disclosure exceptions.** (1) The case records of the department and its local affiliate, the local office of public assistance, the county attorney, and the court concerning actions taken under this chapter and all records concerning reports of child abuse and neglect must be kept confidential except as provided by this section. Except as provided in subsections (9) and (10), a person who purposely or knowingly permits or encourages the unauthorized dissemination of the contents of case records is guilty of a misdemeanor.

(2) Records may be disclosed to a court for in camera inspection if relevant to an issue before it. The court may permit public disclosure if it finds disclosure to be necessary for the fair resolution of an issue before it.

(3) Records, including case notes, correspondence, evaluations, videotapes, and interviews, unless otherwise protected by this section or unless disclosure of the records is determined to be detrimental to the child or harmful to another person who is a subject of information contained in the records, must, upon request, be disclosed to the following persons or entities in this state and any other state or country:

(a) a department, agency, or organization, including a federal agency, military enclave, or Indian tribal organization, that is legally authorized to receive, inspect, or investigate reports of child abuse or neglect and that otherwise meets the disclosure criteria contained in this section;

(b) a licensed youth care facility or a licensed child-placing agency that is providing services to the family or child who is the subject of a report in the records or to a person authorized by the department to receive relevant information for the purpose of determining the best interests of a child with respect to an adoptive placement;

(c) a health or mental health professional who is treating the family or child who is the subject of a report in the records;

(d) a parent, grandparent, aunt, uncle, brother, sister, guardian, mandatory reporter provided for in 41-3-201(2) and (5), or person designated by a parent or guardian of the child who is the subject of a report in the records or other person responsible for the child's welfare, without disclosure of the identity of any person who reported or provided information on the alleged child abuse or neglect incident contained in the records;

(e) a child named in the records who was allegedly abused or neglected or the child's legal guardian or legal representative, including the child's guardian ad litem or attorney or a special advocate appointed by the court to represent a child in a pending case;

(f) the state protection and advocacy program as authorized by 42 U.S.C. 15043(a)(2);

(g) approved foster and adoptive parents who are or may be providing care for a child;

(h) a person about whom a report has been made and that person's attorney, with respect to the relevant records pertaining to that person only and without disclosing the identity of the reporter or any other person whose safety may be endangered;

(i) an agency, including a probation or parole agency, that is legally responsible for the supervision of an alleged perpetrator of child abuse or neglect;

(j) a person, agency, or organization that is engaged in a bona fide research or evaluation project and that is authorized by the department to conduct the research or evaluation;

(k) the members of an interdisciplinary child protective team authorized under 41-3-108 or of a family engagement meeting for the purposes of assessing the needs of the child and family, formulating a treatment plan, and monitoring the plan;

(l) the coroner or medical examiner when determining the cause of death of a child;

(m) a child fatality review team recognized by the department;

(n) a department or agency investigating an applicant for a license or registration that is required to operate a youth care facility, day-care facility, or child-placing agency;

(o) a person or entity who is carrying out background, employment-related, or volunteer-related screening of current or prospective employees or volunteers who have or may have unsupervised contact with children through employment or volunteer activities. A request for information under this subsection (3)(o) must be made in writing. Disclosure under this subsection (3)(o) is limited to information that indicates a risk to children posed by the person about whom the information is sought, as determined by the department.

(p) the news media, if disclosure is limited to confirmation of factual information regarding how the case was handled and if disclosure does not

violate the privacy rights of the child or the child's parent or guardian, as determined by the department;

(q) an employee of the department or other state agency if disclosure of the records is necessary for administration of programs designed to benefit the child;

(r) an agency of an Indian tribe, a qualified expert witness, or the relatives of an Indian child if disclosure of the records is necessary to meet requirements of the federal Indian Child Welfare Act [or the Montana Indian Child Welfare Act provided for in Title 41, chapter 3, part 13];

(s) a juvenile probation officer who is working in an official capacity with the child who is the subject of a report in the records;

(t) an attorney who is hired by or represents the department if disclosure is necessary for the investigation, defense, or prosecution of a case involving child abuse or neglect;

(u) a foster care review committee established under 41-3-115 or, when applicable, a citizen review board established under Title 41, chapter 3, part 10;

(v) a school employee participating in an interview of a child by a child protection specialist, county attorney, or peace officer, as provided in 41-3-202;

(w) a member of a county or regional interdisciplinary child information and school safety team formed under the provisions of 52-2-211;

(x) members of a local interagency staffing group provided for in 52-2-203;

(y) a member of a youth placement committee formed under the provisions of 41-5-121; or

(z) a principal of a school or other employee of the school district authorized by the trustees of the district to receive the information with respect to a student of the district who is a client of the department.

(4) (a) The records described in subsection (3) must be disclosed to a member of the United States congress or a member of the Montana legislature if all of the following requirements are met:

(i) the member receives a written inquiry regarding a child and whether the laws of the United States or the state of Montana that protect children from abuse or neglect are being complied with or whether the laws need to be changed to enhance protections for children;

(ii) the member submits a written request to the department requesting to review the records relating to the written inquiry. The member's request must include a copy of the written inquiry, the name of the child whose records are to be reviewed, and any other information that will assist the department in locating the records.

(iii) before reviewing the records, the member:

(A) signs a form that outlines the state and federal laws regarding confidentiality and the penalties for unauthorized release of the information; and

(B) receives from the department an orientation of the content and structure of the records. The orientation must include a checklist of documents that are regularly included in records, including but not limited to the following:

(I) any petition filed pursuant to Title 41, chapter 3, part 4, including any supporting affidavits and evidence;

(II) any court orders issued pursuant to Title 41, chapter 3, parts 4 and 6;

(III) notes from family engagement meetings and foster care review meetings; and

(IV) notes included in electronic case records or in case files maintained in local offices regarding staffing and interactions with parents or legal guardians, providers, or attorneys.

(b) (i) Without disclosing the identity of a person who reported the alleged child abuse or neglect, the department shall make available to the member all records concerning the child who is the subject of the written inquiry.

(ii) Except as provided in subsection (4)(b)(iii), records disclosed pursuant to this subsection (4) are confidential, may not be copied, photographed, or otherwise replicated by the member, and must remain solely in the department's possession. The member must be allowed to view the records in the local office where the case is or was active.

(iii) A member may take notes to discuss the records with a parent or legal guardian about whom a report of alleged child abuse or neglect is made.

(c) Access to records requested pursuant to this subsection (4) is limited to 6 months from the date the written request to review records was received by the department.

(d) Access to records requested pursuant to this subsection (4) must include access to drug testing results held by the department for testing conducted both in the field and in a laboratory.

(5) (a) The records described in subsection (3) must be promptly released to any of the following individuals upon a written request by the individual to the department or the department's designee:

(i) the attorney general;

(ii) a county attorney or deputy county attorney of the county in which the alleged abuse or neglect occurred;

(iii) a peace officer, as defined in 45-2-101, in the jurisdiction in which the alleged abuse or neglect occurred; or

(iv) the office of the child and family ombudsman.

(b) The records described in subsection (3) must be promptly disclosed by the department to an appropriate individual described in subsection (5)(a) or to a county or regional interdisciplinary child information and school safety team established pursuant to 52-2-211 upon the department's receipt of a report indicating that any of the following has occurred:

(i) the death of the child as a result of child abuse or neglect;

(ii) a sexual offense, as defined in 46-23-502, against the child;

(iii) exposure of the child to an actual and not a simulated violent offense as defined in 46-23-502; or

(iv) child abuse or neglect, as defined in 41-3-102, due to exposure of the child to circumstances constituting the criminal manufacture or distribution of dangerous drugs.

(c) (i) The department shall promptly disclose the results of an investigation to an individual described in subsection (5)(a) or to a county or regional interdisciplinary child information and school safety team established pursuant to 52-2-211 upon the determination that:

(A) there is reasonable cause to suspect that a child has been exposed to a Schedule I or Schedule II drug whose manufacture, sale, or possession is prohibited under state law; or

(B) a child has been exposed to drug paraphernalia used for the manufacture, sale, or possession of a Schedule I or Schedule II drug that is prohibited by state law.

(ii) For the purposes of this subsection (5)(c), exposure occurs when a child is caused or permitted to inhale, have contact with, or ingest a Schedule I or Schedule II drug that is prohibited by state law or have contact with drug paraphernalia as defined in 45-10-101.

(d) (i) Except as provided in subsection (5)(d)(ii), the records described in subsection (3) must be released within 5 business days to the county attorney of the county in which the acts that are the subject of a report occurred upon

the department's receipt of a report that includes an allegation of sexual abuse or sexual exploitation. The department shall also report to any other appropriate individual described in subsection (5)(a) and to a county or regional interdisciplinary child information and school safety team established pursuant to 52-2-211.

(ii) If the exception in 41-3-202(1)(b) applies, a contractor described in 41-3-201(2)(j) that provides confidential services to victims of sexual assault shall report to the department as provided in this part without disclosing the names of the victim and the alleged perpetrator of sexual abuse or sexual exploitation.

(iii) When a contractor described in 41-3-201(2)(j) that provides confidential services to victims of sexual assault provides services to youth over the age of 13 who are victims of sexual abuse and sexual exploitation, the contractor may not dissuade or obstruct a victim from reporting the criminal activity and, upon a request by the victim, shall facilitate disclosure to the county attorney and a law enforcement officer as described in Title 7, chapter 32, in the jurisdiction where the alleged abuse occurred.

(6) A school or school district may disclose, without consent, personally identifiable information from the education records of a pupil to the department, the court, a review board, and the child's assigned attorney, guardian ad litem, or special advocate.

(7) Information that identifies a person as a participant in or recipient of substance abuse treatment services may be disclosed only as allowed by federal substance abuse confidentiality laws, including the consent provisions of the law.

(8) The confidentiality provisions of this section must be construed to allow a court of this state to share information with other courts of this state or of another state when necessary to expedite the interstate placement of children.

(9) A person who is authorized to receive records under this section shall maintain the confidentiality of the records and may not disclose information in the records to anyone other than the persons described in subsections (3)(a), (4)(b)(iii), and (5). However, this subsection may not be construed to compel a family member to keep the proceedings confidential.

(10) A news organization or its employee, including a freelance writer or reporter, is not liable for reporting facts or statements made by an immediate family member under subsection (9) if the news organization, employee, writer, or reporter maintains the confidentiality of the child who is the subject of the proceeding.

(11) This section is not intended to affect the confidentiality of criminal court records, records of law enforcement agencies, or medical records covered by state or federal disclosure limitations.

(12) Copies of records, evaluations, reports, or other evidence obtained or generated pursuant to this section that are provided to the parent, grandparent, aunt, uncle, brother, sister, guardian, or parent's or guardian's attorney must be provided without cost. (Bracketed language in subsection (3)(r) terminates June 30, 2025--sec. 55, Ch. 716, L. 2023.)"

Approved April 16, 2025

CHAPTER NO. 148

[SB 236]

AN ACT REVISING COUNTY DETENTION OFFICER SALARIES; PROVIDING THAT DETENTION OFFICERS RECEIVE LONGEVITY

PAYMENTS SIMILAR TO DEPUTY SHERIFFS AND UNDERSHERIFFS; SUPERSEDING THE UNFUNDED MANDATE LAWS; AND AMENDING SECTIONS 7-4-2507 AND 7-4-2510, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 7-4-2507, MCA, is amended to read:

"**7-4-2507. Deputy sheriff, ~~and~~ undersheriff*, and detention officer employed under sheriff's office*** **-- provisions -- construction.** If there is a conflict between 7-4-2508 through 7-4-2510 and any other law, 7-4-2508 through 7-4-2510 govern with respect to undersheriffs, ~~and~~ deputy sheriffs*, and detention officers employed by a county under a sheriff's office*."

Section 2. Section 7-4-2510, MCA, is amended to read:

"**7-4-2510. Sheriff's office -- longevity payments.** ~~Beginning~~ *Unless already provided for in a negotiated agreement, beginning* on the date of the deputy sheriff's*,* ~~or~~ undersheriff's*, or detention officer's* first anniversary of employment with the office and adjusted annually, a deputy sheriff*,* ~~or~~ undersheriff*, or detention officer* is entitled to receive a longevity payment amounting to 1% of the minimum base annual salary for each year of service with the office. This payment must be made in equal monthly installments. The payment, nonpayment, increase, lack of increase, or decrease of the discretionary salary under 7-4-2503(2)(c) has no impact on the longevity payment."

Section 3. Unfunded mandate laws superseded. The provisions of [this act] expressly supersede and modify the requirements of 1-2-112 through 1-2-116.

Approved April 16, 2025

CHAPTER NO. 149

[SB 233]

AN ACT ADOPTING THE INTERSTATE MASSAGE COMPACT; PROVIDING DEFINITIONS; PROVIDING FOR A MULTISTATE LICENSE FOR MASSAGE THERAPISTS; PROVIDING FOR CRIMINAL BACKGROUND CHECKS FOR MULTISTATE LICENSURE; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING A CONTINGENT EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Enactment -- provisions. The interstate massage compact is enacted into law and entered into with all other jurisdictions joining the compact in the form substantially as follows:

ARTICLE 1

PURPOSE

The purpose of this compact is to reduce the burdens on state governments and to facilitate the interstate practice and regulation of massage therapy with the goal of improving public access to, and the safety of, massage therapy services. Through this compact, the member states seek to establish a regulatory framework that provides for a new multistate licensing program. Through this additional licensing pathway, the member states seek to provide increased value and mobility to licensed massage therapists in the member states, while ensuring the provision of safe, competent, and reliable services to the public.

(1) This compact is designed to achieve the following objectives, and the member states hereby ratify the same intentions by subscribing hereto:

(a) increase public access to massage therapy services by providing for a multistate licensing pathway;

(b) enhance the member states' ability to protect the public's health and safety;

(c) enhance the member states' ability to prevent human trafficking and licensure fraud;

(d) encourage the cooperation of member states in regulating the multistate practice of massage therapy;

(e) support relocating military members and their spouses;

(f) facilitate and enhance the exchange of licensure, investigative, and disciplinary information between the member states;

(g) create an interstate commission that will exist to implement and administer the compact;

(h) allow a member state to hold a licensee accountable, even where that licensee holds a multistate license;

(i) create a streamlined pathway for licensees to practice in member states, thus increasing the mobility of duly licensed massage therapists; and

(j) serve the needs of licensed massage therapists and the public receiving their services.

(2) Nothing in this compact is intended to prevent a state from enforcing its own laws regarding the practice of massage therapy.

ARTICLE 2

DEFINITIONS

As used in this compact, except as otherwise provided and subject to clarification by the rules of the commission, the following definitions govern the terms herein:

(1) "Active military member" means any person with full-time duty status in the armed forces of the United States, including members of the national guard and reserve.

(2) "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a member state's laws that is imposed by a licensing authority or other regulatory body against a licensee, including actions against an individual's authorization to practice, such as revocation, suspension, probation, surrender in lieu of discipline, monitoring of the licensee, limitation of the licensee's practice, or any other encumbrance on licensure affecting an individual's ability to practice massage therapy, including the issuance of a cease and desist order.

(3) "Alternative program" means a nondisciplinary monitoring or prosecutorial diversion program approved by a member state's licensing authority.

(4) "Authorization to practice" means a legal authorization by a remote state pursuant to a multistate license permitting the practice of massage therapy in that remote state, which must be subject to the enforcement jurisdiction of the licensing authority in that remote state.

(5) "Background check" means the submission of an applicant's criminal history record information, as further defined in 28 C.F.R. § 20.3(d), as amended from the federal bureau of investigation and the agency responsible for retaining state criminal records in the applicant's home state.

(6) "Charter member states" means member states who have enacted legislation to adopt this compact where such legislation predates the effective date of this compact as defined in article 12.

(7) "Commission" means the government agency whose membership consists of all states that have enacted this compact, which is known as the

interstate massage compact commission as defined in article 8, that shall operate as an instrumentality of the member states.

(8) "Continuing competence" means a requirement, as a condition of license renewal, to provide evidence of participation in, and completion of, educational or professional activities that maintain, improve, or enhance massage therapy fitness to practice.

(9) "Current significant investigative information" means investigative information that a licensing authority, after an inquiry or investigation that complies with a member state's due process requirements, has reason to believe is not groundless and, if proved true, would indicate a violation of that state's laws regarding the practice of massage therapy.

(10) "Data system" means a repository of information about licensees who hold multistate licenses, which may include but is not limited to license status, investigative information, and adverse actions.

(11) "Disqualifying event" means any event that must disqualify an individual from holding a multistate license under this compact, which the commission may by rule specify.

(12) "Encumbrance" means a revocation or suspension of, or any limitation or condition on, the full and unrestricted practice of massage therapy by a licensing authority.

(13) "Executive committee" means a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

(14) "Home state" means the member state that is a licensee's primary state of residence where the licensee holds an active single-state license.

(15) "Investigative information" means information, records, or documents received or generated by a licensing authority pursuant to an investigation or other inquiry.

(16) "Licensee" means an individual who currently holds a license from a member state to fully practice massage therapy, whose license is not a student, provisional, temporary, inactive, or other similar status.

(17) "Licensing authority" means a state's regulatory body responsible for issuing massage therapy licenses or otherwise overseeing the practice of massage therapy in that state.

(18) "Massage therapy", "massage therapy services", and the "practice of massage therapy" means the care and services provided by a licensee as set forth in the member state's statutes and regulations in the state where the services are being provided.

(19) "Member state" means any state that has adopted this compact.

(20) "Multistate license" means a license that consists of authorizations to practice massage therapy in all remote states pursuant to this compact, which must be subject to the enforcement jurisdiction of the licensing authority in a licensee's home state.

(21) "National licensing examination" means a national examination developed by a national association of massage therapy regulatory boards, as defined by commission rule, that is derived from a practice analysis and is consistent with generally accepted psychometric principles of fairness, validity, and reliability, and is administered under secure and confidential examination protocols.

(22) "Remote state" means any member state other than the licensee's home state.

(23) "Rule" means any opinion or regulation promulgated by the commission under this compact, which must have the force of law.

(24) "Single-state license" means a current, valid authorization issued by a member state's licensing authority allowing an individual to fully practice

massage therapy that is not a restricted, student, provisional, temporary, or inactive practice authorization and authorizes practice only within the issuing state.

(25) "State" means a state, territory, possession of the United States, or the District of Columbia.

ARTICLE 3
MEMBER STATE REQUIREMENTS

(1) To be eligible to join this compact and to maintain eligibility as a member state, a state shall:

(a) license and regulate the practice of massage therapy;

(b) have a mechanism or entity in place to receive and investigate complaints from the public, regulatory or law enforcement agencies, or the commission about licensees practicing in that state;

(c) accept passage of a national licensing examination as a criterion for massage therapy licensure in that state;

(d) require that licensees satisfy educational requirements prior to being licensed to provide massage therapy services to the public in that state;

(e) implement procedures for requiring the background check of applicants for a multistate license and for the reporting of any disqualifying events, including but not limited to:

(i) obtaining and submitting, for each licensee holding a multistate license and each applicant for a multistate license, fingerprint or other biometric-based information to the federal bureau of investigation for background checks;

(ii) receiving the results of the federal bureau of investigation record search on background checks; and

(iii) considering the results of such a background check in making licensure decisions;

(f) have continuing competence requirements as a condition for license renewal;

(g) participate in the data system, including through the use of unique identifying numbers as described in article 9;

(h) notify the commission and other member states, in compliance with the terms of the compact and rules of the commission, of any disciplinary action taken by the state against a licensee practicing under a multistate license in that state, or of the existence of investigative information or current significant investigative information regarding a licensee practicing in that state pursuant to a multistate license;

(i) comply with the rules of the commission; and

(j) accept licensees with valid multistate licenses from other member states as established by this compact.

(2) Individuals not residing in a member state may continue to be able to apply for a member state's single-state license as provided under the laws of each member state. However, the single-state license granted to those individuals may not be recognized as granting a multistate license for massage therapy in any other member state.

(3) Nothing in this compact may affect the requirements established by a member state for the issuance of a single-state license.

(4) A multistate license issued to a licensee must be recognized by each remote state as an authorization to practice massage therapy in each remote state.

ARTICLE 4
MULTISTATE LICENSE REQUIREMENTS

(1) To qualify for a multistate license under this compact and to maintain eligibility for such a license, an applicant:

(a) must hold an active single-state license to practice massage therapy in the applicant's home state;

(b) must have completed at least 625 clock hours of massage therapy education or the substantial equivalent, which the commission may approve by rule;

(c) must have passed a national licensing examination or the substantial equivalent, which the commission may approve by rule;

(d) shall submit to a background check;

(e) may not have been convicted or found guilty, or have entered into an agreed disposition, of a felony offense under applicable state or federal criminal law, within 5 years prior to the date of their application, where such a time period may not include any time served for the offense, and provided that the applicant has completed any and all requirements arising as a result of any such offense;

(f) may not have been convicted or found guilty, or have entered into an agreed disposition, of a misdemeanor offense related to the practice of massage therapy under applicable state or federal criminal law, within 2 years prior to the date of their application where such a time period may not include any time served for the offense, and provided that the applicant has completed any and all requirements arising as a result of any such offense;

(g) may not have been convicted or found guilty, or have entered into an agreed disposition, of any offense, whether a misdemeanor or a felony, under state or federal law, at any time, relating to any of the following:

(i) kidnapping;

(ii) human trafficking;

(iii) human smuggling;

(iv) sexual battery, sexual assault, or any related offenses; or

(v) any other category of offense that the commission may by rule designate.

(h) may not have previously held a massage therapy license that was revoked by, or surrendered in lieu of, discipline to an applicable licensing authority;

(i) may not have a history of any adverse action on any occupational or professional license within 2 years prior to the date of their application; and

(j) shall pay all required fees.

(2) A multistate license granted pursuant to this compact may be effective for a definite period of time concurrent with the renewal of the home state license.

(3) A licensee practicing in a member state is subject to all scope of practice laws governing massage therapy services in that state.

(4) The practice of massage therapy under a multistate license granted pursuant to this compact will subject the licensee to the jurisdiction of the licensing authority, the courts, and the laws of the member state in which the massage therapy services are provided.

ARTICLE 5

AUTHORITY OF INTERSTATE MASSAGE COMPACT COMMISSION AND MEMBER STATE LICENSING AUTHORITIES

(1) Nothing in this compact, nor any rule of the commission, may be construed to limit, restrict, or in any way reduce the ability of a member state to enact and enforce laws, regulations, or other rules related to the practice of massage therapy in that state, where those laws, regulations, or other rules are not inconsistent with the provisions of this compact.

(2) Nothing in this compact, nor any rule of the commission, may be construed to limit, restrict, or in any way reduce the ability of a member state

to take adverse action against a licensee's single-state license to practice massage therapy in that state.

(3) Nothing in this compact, nor any rule of the commission, may be construed to limit, restrict, or in any way reduce the ability of a remote state to take adverse action against a licensee's authorization to practice in that state.

(4) Nothing in this compact, nor any rule of the commission, may be construed to limit, restrict, or in any way reduce the ability of a licensee's home state to take adverse action against a licensee's multistate license based upon information provided by a remote state.

(5) Insofar as practical, a member state's licensing authority shall cooperate with the commission and with each entity exercising independent regulatory authority over the practice of massage therapy according to the provisions of this compact.

ARTICLE 6
ADVERSE ACTIONS

(1) A licensee's home state must have exclusive power to impose an adverse action against a licensee's multistate license issued by the home state.

(2) A home state may take adverse action on a multistate license based on the investigative information, current significant investigative information, or adverse action of a remote state.

(3) A home state shall retain authority to complete any pending investigations of a licensee practicing under a multistate license who changes their home state during the course of such an investigation. The licensing authority must also be empowered to report the results of such an investigation to the commission through the data system as described herein.

(4) Any member state may investigate actual or alleged violations of the scope of practice laws in any other member state for a massage therapist who holds a multistate license.

(5) A remote state must have the authority to:

(a) take adverse actions against a licensee's authorization to practice;

(b) issue cease and desist orders or impose an encumbrance on a licensee's authorization to practice in that state;

(c) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence. Subpoenas issued by a licensing authority in a member state for the attendance and testimony of witnesses or the production of evidence from another member state must be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings before it. The issuing licensing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.

(d) if otherwise permitted by state law, recover from the affected licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee; and

(e) take adverse action against the licensee's authorization to practice in that state based on the factual findings of another member state.

(6) If an adverse action is taken by the home state against a licensee's multistate license or single-state license to practice in the home state, the licensee's authorization to practice in all other member states must be deactivated until all encumbrances have been removed from such license. All home state disciplinary orders that impose an adverse action against a licensee must include a statement that the massage therapist's authorization to practice is deactivated in all member states during the pendency of the order.

(7) If adverse action is taken by a remote state against a licensee's authorization to practice, that adverse action applies to all authorizations to practice in all remote states. A licensee whose authorization to practice in a remote state is removed for a specified period of time is not eligible to apply for a new multistate license in any other state until the specific time for removal of the authorization to practice has passed and all encumbrance requirements are satisfied.

(8) Nothing in this compact may override a member state's authority to accept a licensee's participation in an alternative program in lieu of adverse action. A licensee's multistate license must be suspended for the duration of the licensee's participation in any alternative program.

(9) Joint investigations:

(a) In addition to the authority granted to a member state by its respective scope of practice laws or other applicable state law, a member state may participate with other member states in joint investigations of licensees.

(b) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

ARTICLE 7
ACTIVE MILITARY MEMBERS
AND THEIR SPOUSES

Active military members or their spouses shall designate a home state where the individual has a current license to practice massage therapy in good standing. The individual may retain their home state designation during any period of service when that individual or their spouse is on active duty assignment.

ARTICLE 8
ESTABLISHMENT AND OPERATION OF
INTERSTATE MASSAGE COMPACT COMMISSION

(1) The compact member states hereby create and establish a joint government agency whose membership consists of all member states that have enacted the compact known as the interstate massage compact commission. The commission is an instrumentality of the compact states acting jointly and not an instrumentality of any one state. The commission shall come into existence on or after the effective date of the compact as set forth in article 12.

(2) Membership, voting, and meetings:

(a) Each member state must have and be limited to one delegate selected by that member state's state licensing authority.

(b) The delegate must be the primary administrative officer of the state licensing authority or their designee.

(c) The commission shall by rule or bylaw establish a term of office for delegates and may by rule or bylaw establish term limits.

(d) The commission may recommend removal or suspension of any delegate from office.

(e) A member state's state licensing authority shall fill any vacancy of its delegate occurring on the commission within 60 days of the vacancy.

(f) Each delegate must be entitled to one vote on all matters that are voted on by the commission.

(g) The commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The commission may meet by telecommunication, video conference, or other similar electronic means.

(3) The commission must have the following powers:

(a) establish the fiscal year of the commission;

(b) establish code of conduct and conflict of interest policies;

(c) adopt rules and bylaws;

(d) maintain its financial records in accordance with the bylaws;

(e) meet and take such actions as are consistent with the provisions of this compact, the commission's rules, and the bylaws;

(f) initiate and conclude legal proceedings or actions in the name of the commission, provided that the standing of any state licensing authority to sue or be sued under applicable law may not be affected;

(g) maintain and certify records and information provided to a member state as the authenticated business records of the commission, and designate an agent to do so on the commission's behalf;

(h) purchase and maintain insurance and bonds;

(i) borrow, accept, or contract for services of personnel, including but not limited to employees of a member state;

(j) conduct an annual financial review;

(k) hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(l) assess and collect fees;

(m) accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same, provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest;

(n) lease, purchase, retain, own, hold, improve, or use any property real, personal, or mixed, or any undivided interest therein;

(o) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

(p) establish a budget and make expenditures;

(q) borrow money;

(r) appoint committees, including standing committees, composed of members, state regulators, state legislators or their representatives, and consumer representatives and such other interested persons as may be designated in this compact and the bylaws;

(s) accept and transmit complaints from the public, regulatory or law enforcement agencies, or the commission to the relevant member state(s) regarding potential misconduct of licensees;

(t) elect a chair, vice chair, secretary, and treasurer and such other officers of the commission as provided in the commission's bylaws;

(u) establish and elect an executive committee, including a chair and a vice chair;

(v) adopt and provide to the member states an annual report;

(w) determine whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the compact; and

(x) perform such other functions as may be necessary or appropriate to achieve the purposes of this compact.

(4) The executive committee:

(a) The executive committee must have the power to act on behalf of the commission according to the terms of this compact. The powers, duties, and responsibilities of the executive committee must include:

(i) overseeing the day-to-day activities of the administration of the compact, including compliance with the provisions of the compact, the commission's rules and bylaws, and other such duties as deemed necessary;

(ii) recommending to the commission changes to the rules or bylaws, changes to this compact legislation, fees charged to compact member states, fees charged to licensees, and other fees;

(iii) ensuring compact administration services are appropriately provided, including by contract;

(iv) preparing and recommending the budget;

(v) maintaining financial records on behalf of the commission;

(vi) monitoring compact compliance of member states and providing compliance reports to the commission;

(vii) establishing additional committees as necessary;

(viii) exercising the powers and duties of the commission during the interim between commission meetings, except for adopting or amending rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the commission by rule or bylaw; and

(ix) other duties as provided in the rules or bylaws of the commission.

(b) (i) The executive committee must be composed of seven voting members and up to two ex-officio members as follows:

(A) the chair and vice chair of the commission and any other members of the commission who serve on the executive committee must be voting members of the executive committee; and

(B) other than the chair, vice-chair, secretary, and treasurer, the commission shall elect three voting members from the current membership of the commission.

(ii) The commission may elect ex-officio, nonvoting members as necessary as follows:

(A) one ex-officio member who is a representative of the national association of state massage therapy regulatory boards; and

(B) one ex-officio member as specified in the commission's bylaws.

(c) The commission may remove any member of the executive committee as provided in the commission's bylaws.

(d) The executive committee shall meet at least annually.

(i) Executive committee meetings must be open to the public, except that the executive committee may meet in a closed, nonpublic session of a public meeting when dealing with any of the matters covered under subsection (6)(d) of this article.

(ii) The executive committee shall give 5 business days' advance notice of its public meetings, posted on its website and as determined to provide notice to persons with an interest in the public matters the executive committee intends to address at those meetings.

(e) The executive committee may hold an emergency meeting when acting for the commission to:

(i) meet an imminent threat to public health, safety, or welfare;

(ii) prevent a loss of commission or participating state funds; or

(iii) protect public health and safety.

(5) The commission shall adopt and provide to the member states an annual report.

(6) Meetings of the commission:

(a) All meetings of the commission that are not closed pursuant to this subsection (6) must be open to the public. Notice of public meetings must be posted on the commission's website at least 30 days prior to the public meeting.

(b) Notwithstanding subsection (6)(a) of this article, the commission may convene an emergency public meeting by providing at least 24 hours' prior notice on the commission's website, and any other means as provided in the commission's rules, for any of the reasons it may dispense with notice of proposed rulemaking under article 10, subsection (12). The commission's legal counsel shall certify that one of the reasons justifying an emergency public meeting has been met.

(c) Notice of all commission meetings must provide the time, date, and location of the meeting, and if the meeting is to be held or accessible via telecommunication, video conference, or other electronic means, the notice must include the mechanism for access to the meeting.

(d) The commission may convene in a closed, nonpublic meeting for the commission to discuss:

(i) noncompliance of a member state with its obligations under the compact;

(ii) the employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(iii) current or threatened discipline of a licensee by the commission or by a member state's licensing authority;

(iv) current, threatened, or reasonably anticipated litigation;

(v) negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

(vi) accusing any person of a crime or formally censuring any person;

(vii) trade secrets or commercial or financial information that is privileged or confidential;

(viii) information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(ix) investigative records compiled for law enforcement purposes;

(x) information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact;

(xi) legal advice;

(xii) matters specifically exempted from disclosure to the public by federal or member state law; or

(xiii) other matters as promulgated by the commission by rule.

(e) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference must be recorded in the minutes.

(f) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action must be identified in such minutes. All minutes and documents of a closed meeting must remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

(7) Financing of the commission:

(a) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(b) The commission may accept any and all appropriate sources of revenue, donations, and grants of money, equipment, supplies, materials, and services.

(c) The commission may levy on and collect an annual assessment from each member state and impose fees on licensees of member states to whom it grants a multistate license to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover

its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for member states must be allocated based upon a formula that the commission shall promulgate by rule.

(d) The commission may not incur obligations of any kind prior to securing the funds adequate to meet the same, nor may the commission pledge the credit of any member states, except by and with the authority of the member state.

(e) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission must be subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission must be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review must be included in and become part of the annual report of the commission.

(8) Qualified immunity, defense, and indemnification:

(a) The members, officers, executive director, employees, and representatives of the commission must be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this paragraph may be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the commission may not in any way compromise or limit the immunity granted hereunder.

(b) The commission shall defend any member, officer, executive director, employee, and representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or as determined by the commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that nothing herein may be construed to prohibit that person from retaining their own counsel at their own expense, and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(c) The commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

(d) Nothing herein may be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which must be governed solely by any other applicable state laws.

(e) Nothing in this compact may be interpreted to waive or otherwise abrogate a member state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or anticompetitive law or regulation.

(f) Nothing in this compact may be construed to be a waiver of sovereign immunity by the member states or by the commission.

ARTICLE 9

DATA SYSTEM

(1) The commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system.

(2) The commission shall assign each applicant for a multistate license a unique identifier, as determined by the rules of the commission.

(3) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

(a) identifying information;

(b) licensure data;

(c) adverse actions against a license and information related thereto;

(d) nonconfidential information related to alternative program participation, the beginning and ending dates of such participation, and other information related to such participation;

(e) any denial of application for licensure and the reason(s) for such denial (excluding the reporting of any criminal history record information where prohibited by law);

(f) the existence of investigative information;

(g) the existence of current significant investigative information; and

(h) other information that may facilitate the administration of this compact or the protection of the public, as determined by the rules of the commission.

(4) The records and information provided to a member state pursuant to this compact or through the data system, when certified by the commission or an agent thereof, must constitute the authenticated business records of the commission, and must be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative proceedings in a member state.

(5) The existence of current significant investigative information and the existence of investigative information pertaining to a licensee in any member state will only be available to other member states.

(6) It is the responsibility of the member states to report any adverse action against a licensee who holds a multistate license and to monitor the database to determine whether adverse action has been taken against such a licensee or license applicant. Adverse action information pertaining to a licensee or license applicant in any member state will be available to any other member state.

(7) Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

(8) Any information submitted to the data system that is subsequently expunged pursuant to federal law or the laws of the member state contributing the information must be removed from the data system.

ARTICLE 10

RULEMAKING

(1) The commission shall promulgate reasonable rules in order to effectively and efficiently implement and administer the purposes and provisions of the compact. A rule may be invalid and have no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the commission exercised its rulemaking authority in a manner that is beyond the scope and

purposes of the compact, or the powers granted hereunder, or based upon another applicable standard of review.

(2) The rules of the commission must have the force of law in each member state, provided however that where the rules of the commission conflict with the laws of the member state that establish the member state's scope of practice as held by a court of competent jurisdiction, the rules of the commission must be ineffective in that state to the extent of the conflict.

(3) The commission may exercise its rulemaking powers pursuant to the criteria set forth in this article and the rules adopted thereunder. Rules must become binding as of the date specified by the commission for each rule.

(4) If a majority of the legislatures of the member states rejects a rule or portion of a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within 4 years of the date of adoption of the rule, then such rule may not have further force and effect in any member state or to any state applying to participate in the compact.

(5) Rules may be adopted at a regular or special meeting of the commission.

(6) Prior to adoption of a proposed rule, the commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

(7) Prior to adoption of a proposed rule by the commission, and at least 30 days in advance of the meeting at which the commission will hold a public hearing on the proposed rule, the commission shall provide a notice of proposed rulemaking:

(a) on the website of the commission or other publicly accessible platform;

(b) to persons who have requested notice of the commission's notices of proposed rulemaking; and

(c) in such other way(s) as the commission may by rule specify.

(8) The notice of proposed rulemaking must include:

(a) the time, date, and location of the public hearing at which the commission will hear public comments on the proposed rule and, if different, the time, date, and location of the meeting where the commission will consider and vote on the proposed rule;

(b) if the hearing is held via telecommunication, video conference, or other electronic means, the commission shall include the mechanism for access to the hearing in the notice of proposed rulemaking;

(c) the text of the proposed rule and the reason therefor;

(d) a request for comments on the proposed rule from any interested person; and

(e) the manner in which interested persons may submit written comments.

(9) All hearings will be recorded. A copy of the recording and all written comments and documents received by the commission in response to the proposed rule must be available to the public.

(10) Nothing in this article may be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this article.

(11) The commission shall, by majority vote of all commissioners, take final action on the proposed rule based on the rulemaking record.

(a) The commission may adopt changes to the proposed rule provided the changes do not enlarge the original purpose of the proposed rule.

(b) The commission shall provide an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters.

(c) The commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in subsection 12 of this article, the

effective date of the rule may not be sooner than 30 days after the commission issuing the notice that it adopted or amended the rule.

(12) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with 24 hours' notice, provided that the usual rulemaking procedures provided in the compact and in this article must be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately to:

(a) meet an imminent threat to public health, safety, or welfare;

(b) prevent a loss of commission or member state funds;

(c) meet a deadline for the promulgation of a rule that is established by federal law or rule; or

(d) protect public health and safety.

(13) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions must be posted on the website of the commission. The revision may be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge must be made in writing and delivered to the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

(14) No member state's rulemaking requirements may apply under this compact.

ARTICLE 11
OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

(1) Oversight:

(a) The executive and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to implement the compact.

(b) Venue is proper and judicial proceedings by or against the commission must be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein may affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct, or any such similar matter.

(c) The commission must be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact and must have standing to intervene in such a proceeding for all purposes. Failure to provide the commission service of process must render a judgment or order void as to the commission, this compact, or promulgated rules.

(2) Default, technical assistance, and termination:

(a) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall provide written notice to the defaulting state. The notice of default must describe the default, the proposed means of curing the default, and any other action that the commission may take, and must offer training and specific technical assistance regarding the default.

(b) The commission shall provide a copy of the notice of default to the other member states.

(3) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the delegates of the member states, and all rights, privileges, and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(4) Termination of membership in the compact may be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate must be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's state licensing authority, and each of the member states' state licensing authority.

(5) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(6) Upon the termination of a state's membership from this compact, that state shall immediately provide notice to all licensees who hold a multistate license within that state of such termination. The terminated state shall continue to recognize all licenses granted pursuant to this compact for a minimum of 180 days after the date of said notice of termination.

(7) The commission may not bear any costs related to a state that is found to be in default or that has been terminated from the compact unless agreed upon in writing between the commission and the defaulting state.

(8) The defaulting state may appeal the action of the commission by petitioning the U.S. district court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing party must be awarded all costs of such litigation, including reasonable attorney fees.

(9) Dispute resolution:

(a) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

(b) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(10) Enforcement:

(a) The commission, in the reasonable exercise of its discretion, shall enforce the provisions of this compact and the commission's rules.

(b) By majority vote as provided by commission rule, the commission may initiate legal action against a member state in default in the United States district court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party must be awarded all costs of such litigation, including reasonable attorney fees. The remedies herein may not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or the defaulting member state's law.

(c) A member state may initiate legal action against the commission in the U.S. district court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary,

the prevailing party must be awarded all costs of such litigation, including reasonable attorney fees.

(d) No individual or entity other than a member state may enforce this compact against the commission.

ARTICLE 12
EFFECTIVE DATE, WITHDRAWAL,
AND AMENDMENT

(1) The compact must come into effect on the date on which the compact statute is enacted into law in the seventh member state.

(a) On or after the effective date of the compact, the commission shall convene and review the enactment of each of the charter member states to determine if the statute enacted by each such charter member state is materially different than the model compact statute.

(i) A charter member state whose enactment is found to be materially different from the model compact statute must be entitled to the default process set forth in article 11.

(ii) If any member state is later found to be in default or is terminated or withdraws from the compact, the commission shall remain in existence and the compact must remain in effect even if the number of member states should be less than seven.

(b) Member states enacting the compact subsequent to the charter member states must be subject to the process set forth in article 8(3)(w) to determine if their enactments are materially different from the model compact statute and whether they qualify for participation in the compact.

(c) All actions taken for the benefit of the commission or in furtherance of the purposes of the administration of the compact prior to the effective date of the compact or the commission coming into existence must be considered to be actions of the commission unless specifically repudiated by the commission.

(d) Any state that joins the compact must be subject to the commission's rules and bylaws as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission must have the full force and effect of law on the day the compact becomes law in that state.

(2) Any member state may withdraw from this compact by enacting a statute repealing that state's enactment of the compact.

(a) A member state's withdrawal may not take effect until 180 days after enactment of the repealing statute.

(b) Withdrawal may not affect the continuing requirement of the withdrawing state's licensing authority to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

(c) Upon the enactment of a statute withdrawing from this compact, a state shall immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all licenses granted pursuant to this compact for a minimum of 180 days after the date of such notice of withdrawal.

(3) Nothing contained in this compact may be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

(4) This compact may be amended by the member states. No amendment to this compact may become effective and binding upon any member state until it is enacted into the laws of all member states.

ARTICLE 13
CONSTRUCTION AND SEVERABILITY

(1) This compact and the commission's rulemaking authority must be liberally construed so as to effectuate the purposes and the implementation and administration of the compact. Provisions of the compact expressly authorizing or requiring the promulgation of rules may not be construed to limit the commission's rulemaking authority solely for those purposes.

(2) The provisions of this compact must be severable, and if any phrase, clause, sentence, or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any member state, a state seeking participation in the compact, or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this compact and the applicability thereof to any other government, agency, person, or circumstance may not be affected thereby.

(3) Notwithstanding subsection (2) of this article, the commission may deny a state's participation in the compact or, in accordance with the requirements of article 11, subsection (2), terminate a member state's participation in the compact, if it determines that a constitutional requirement of a member state is a material departure from the compact. Otherwise, if this compact must be held to be contrary to the constitution of any member state, the compact must remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

ARTICLE 14
CONSISTENT EFFECT AND CONFLICT
WITH OTHER STATE LAWS

Nothing herein may prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with the compact. Any laws, statutes, regulations, or other legal requirements in a member state in conflict with the compact are superseded to the extent of the conflict. All permissible agreements between the commission and the member states are binding in accordance with their terms.

Section 2. Criminal background check for multistate licensure. (1) Each applicant for multistate licensure to practice massage therapy shall submit a full set of the applicant's fingerprints to the board for the purpose of obtaining a state and federal criminal history background check.

(2) Each license applicant is responsible to pay all fees charged in relation to obtaining the state and federal criminal history background check.

(3) The board may require a licensee renewing a license to submit a full set of the licensee's fingerprints to the board for the purpose of obtaining a state and federal criminal history background check.

(4) The Montana department of justice may share the fingerprint data obtained under subsection (1) or (3) with the federal bureau of investigation.

Section 3. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 37, chapter 33, and the provisions of Title 37, chapter 33, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 37, chapter 33, part 5, and the provisions of Title 37, chapter 33, part 5, apply to [section 2].

Section 4. Contingent effective date. [This act] is effective on the date that the compact has been legislatively enacted into law by the seventh member state. The department of labor and industry shall notify the code commissioner within 15 days of the occurrence of the contingency.

Approved April 16, 2025

CHAPTER NO. 150

[SB 212]

AN ACT GENERALLY REVISING LAWS RELATED TO TECHNOLOGY; CREATING THE RIGHT TO COMPUTE ACT; REQUIRING A RISK MANAGEMENT POLICY FOR CRITICAL INFRASTRUCTURE FACILITIES CONTROLLED BY AN ARTIFICIAL INTELLIGENCE SYSTEM; PROVIDING DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, innovations in computational technology, such as machine learning, enable technological breakthroughs in nearly every sector, leading to increased economic growth and greater prosperity; and

WHEREAS, ensuring the United States remains at the forefront of computational technology is critical for driving economic growth, safeguarding national security, and retaining a competitive edge over adversarial nations; and

WHEREAS, while recognizing the benefits of recent innovations in computational technologies, technology industry leaders have also expressed concern that some applications of powerful computational resources may pose a high risk to public health and safety; and

WHEREAS, federal and state governments increasingly propose far-reaching restrictions on the ability to privately own or make use of computational resources for lawful purposes, some of which may infringe on fundamental constitutional rights to property and free expression; and

WHEREAS, the Montana Legislature is the proper branch of government to establish policies and principles relating to the ability to own and make use of computational resources within the context of state constitutional provisions.

Be it enacted by the Legislature of the State of Montana:

Section 1. Short title. [Sections 1 through 7] may be cited as the "Right to Compute Act".

Section 2. Legislative findings -- intent. The legislature finds that the rights to acquire, possess, and protect property under Article II, section 3, of the Montana constitution, and the freedom of expression under Article II, section 7, of the Montana constitution, also embody the notion of a fundamental right to own and make use of technological tools, including computational resources. Any restrictions placed by the government on the ability to privately own or make use of computational resources for lawful purposes must be limited to those demonstrably necessary and narrowly tailored to fulfill a compelling government interest.

Section 3. Right to compute. Government actions that restrict the ability to privately own or make use of computational resources for lawful purposes, which infringes on citizens' fundamental rights to property and free expression, must be limited to those demonstrably necessary and narrowly tailored to fulfill a compelling government interest.

Section 4. Infrastructure controlled by critical artificial intelligence system. ~~(1)~~ When critical infrastructure facilities are controlled in whole or in part by a critical artificial intelligence system, the deployer shall develop a risk management policy after deploying the system that is reasonable and considers guidance and standards in the latest version of the artificial intelligence risk management framework from the national institute of standards and technology, the ISO/IEC 4200 artificial intelligence standard from the international organization for standardization, or another nationally or internationally recognized risk management framework for artificial

intelligence systems. A plan prepared under federal requirements constitutes compliance with this section.

Section 5. Preservation of intellectual property. Nothing in [sections 1 through 7] may be construed to alter, diminish, or interfere with the rights and remedies available under federal or state intellectual property laws, including but not limited to patent, copyright, trademark, and trade secret laws.

Section 6. Preemption by federal law. Nothing in [sections 1 through 7] may be construed to preempt federal laws.

Section 7. Definitions. As used in [sections 1 through 7], the following definitions apply:

(1) "Artificial intelligence system" means any machine learning-based system that, for any explicit or implicit objective, infers from the inputs the system receives how to generate outputs, including but not limited to content, decisions, predictions, and recommendations that can influence physical or virtual environments.

(2) "Compelling government interest" means a government interest of the highest order in protecting the public that cannot be achieved through less restrictive means. This includes but is not limited to:

(a) ensuring that a critical infrastructure facility controlled by an artificial intelligence system develops a risk management policy;

(b) addressing conduct that deceives or defrauds the public;

(c) protecting individuals, especially minors, from harm by a person who distributes deepfakes and other harmful synthetic content with actual knowledge of the nature of that material; and

(d) taking actions that prevent or abate common law nuisances created by physical datacenter infrastructure.

(3) "Computational resources" means any tools, technologies, systems, or infrastructure, whether digital, analog, existing, or some other form, that facilitate any form of computation, data processing, storage, transmission, manipulation, control, creation, dissemination, or use of information and data. This includes but is not limited to hardware, software, algorithms, sensors, networks, protocols, platforms, services, systems, cryptography, machine learning, or quantum applications.

(4) (a) "Critical artificial intelligence" means an artificial intelligence system that is designed and deployed to make, or is a substantial factor in making, a consequential decision.

(b) The term does not include:

(i) an artificial intelligence system that is intended to:

(A) perform a narrow procedural task;

(B) improve the result of a previously completed human activity;

(C) perform a preparatory task to an assessment relevant to a consequential decision; or

(D) detect a decision-making pattern or a deviation from a preexisting decision-making pattern;

(ii) antifraud, antimalware, antivirus, calculator, cybersecurity, database, data storage, firewall, internet domain registration, internet-website loading, networking, robocall-filtering, spam-filtering, spell-checking, spreadsheet, web-caching, web-hosting, or search engine technologies or similar technologies; or

(iii) a technology that communicates in natural language for the purpose of providing users with information, makes referrals or recommendations, answers questions, or generates other content and that is subject to an acceptable use policy that prohibits the generation of unlawful content.

(5) "Critical infrastructure facility" has the same meaning as provided in 82-1-601.

(6) "Deployer" means an individual, company, or other organization that utilizes an artificial intelligence system.

(7) "Government actions" means any law, ordinance, regulation, rule, policy, condition, test, permit, or administrative practice enacted by a government entity that restricts the common or intended use of computational resources by its owner or invitees.

(8) "Government entity" means any unit of state government including the state, counties, cities, towns, or political subdivisions, and any branch, department, division, office, or government entity of state or local government.

Section 8. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 9. Codification instruction. [Sections 1 through 7] are intended to be codified as a new part of Title 2, chapter 10, and the provisions of Title 2, chapter 10, apply to [sections 1 through 7].

Section 10. Effective date. [This act] is effective on passage and approval.

Approved April 16, 2025

CHAPTER NO. 151

[SB 211]

AN ACT REVISING THE EMERGENCY USE OF EPINEPHRINE IN A SCHOOL SETTING TO INCLUDE NASAL SPRAY; AMENDING SECTIONS 20-5-420 AND 20-5-421, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 20-5-420, MCA, is amended to read:

"**20-5-420. Self-administration or possession of asthma, severe allergy, or anaphylaxis medication.** (1) As used in 20-5-421 and this section, the following definitions apply:

(a) "Anaphylaxis" means a systemic allergic reaction that can be fatal in a short time period and is also known as anaphylactic shock.

(b) "Asthma" means a chronic disorder or condition of the lungs that requires lifetime, ongoing medical intervention.

(c) "Medication" means a medicine, including inhaled bronchodilators, inhaled corticosteroids, ~~and~~ autoinjectable epinephrine, *and epinephrine nasal spray,* prescribed by a licensed physician as defined in 37-3-102, a physician assistant who has been authorized to prescribe medications as provided in 37-20-404, or an advanced practice registered nurse with prescriptive authority as provided in 37-8-202(1)(h).

(d) "Self-administration" means a pupil's discretionary use of the medication prescribed for the pupil.

(e) "Severe allergies" means a life-threatening hypersensitivity to a specific substance such as food, pollen, or dust.

(2) A school, whether public or nonpublic, shall permit the possession or self-administration of medication, as prescribed, by a pupil with asthma, severe allergies, or anaphylaxis if the parents or guardians of the pupil provide to the school:

(a) written authorization, acknowledging and agreeing to the liability provisions in subsection (4), for the possession or self-administration of medication as prescribed;

(b) a written statement from the pupil's physician, physician assistant, or advanced practice registered nurse containing the following information:

(i) the name and purpose of the medication;

(ii) the prescribed dosage; and

(iii) the time or times at which or the special circumstances under which the medication is to be administered as prescribed;

(c) documentation that the pupil has demonstrated to the health care practitioner and the school nurse, if available, the skill level necessary to self-administer the asthma, severe allergy, or anaphylaxis medication as prescribed; and

(d) documentation that the pupil's physician, physician assistant, or advanced practice registered nurse has formulated a written treatment plan for managing asthma, severe allergies, or anaphylaxis episodes of the pupil and for medication use, as prescribed, by the pupil during school hours.

(3) The information provided by the parents or guardians must be kept on file in the office of the school nurse or, in the absence of a school nurse, the school's administrator.

(4) The school district or nonpublic school and its employees and agents are not liable as a result of any injury arising from the self-administration of medication by the pupil unless an act or omission is the result of gross negligence, willful and wanton conduct, or an intentional tort. The parents or guardians of the pupil must be given a written notice and sign a statement acknowledging that the school district or nonpublic school may not incur liability as a result of any injury arising from the self-administration of medication by the pupil and that the parents or guardians shall indemnify and hold harmless the school district or nonpublic school and its employees and agents against any claims, except a claim based on an act or omission that is the result of gross negligence, willful or wanton misconduct, or an intentional tort.

(5) The permission for self-administration of asthma, severe allergy, or anaphylaxis medication is effective for the school year for which it is granted and must be renewed each subsequent school year or, if the medication expires or the dosage, frequency of administration, or other conditions change, upon fulfillment of the requirements of this section.

(6) If the requirements of this section are fulfilled, a pupil with asthma, severe allergies, or anaphylaxis may possess and use the pupil's medication as prescribed:

(a) while in school;

(b) while at a school-sponsored activity;

(c) while under the supervision of school personnel;

(d) before or after normal school activities, such as while in before-school or after-school care on school-operated property; or

(e) while in transit to or from school or school-sponsored activities.

(7) If provided by the parent, an individual who has executed a caretaker relative educational authorization affidavit pursuant to 20-5-503, an individual who has executed a caretaker relative medical authorization affidavit pursuant to 40-6-502, or a guardian and in accordance with documents provided by the pupil's physician, physician assistant, or advanced practice registered nurse, asthma, severe allergy, or anaphylaxis medication may be kept by the pupil and backup medication must be kept at a pupil's school in a predetermined

location or locations to which the pupil has access in the event of an asthma, severe allergy, or anaphylaxis emergency.

(8) Immediately after using epinephrine during school hours, a student shall report to the school nurse or other adult at the school who shall provide followup care, including making a 9-1-1 emergency call.

(9) Youth correctional facilities are exempt from this section and shall adopt policies related to access and use of asthma, severe allergy, or anaphylaxis medications."

Section 2. Section 20-5-421, MCA, is amended to read:

"**20-5-421. Emergency use of epinephrine in school setting.** A school, whether public or nonpublic, may maintain a stock supply of autoinjectable epinephrine *or epinephrine nasal spray* to be administered by a school nurse or other authorized personnel to any student or nonstudent as needed for actual or perceived anaphylaxis. A school that intends to obtain an order for emergency use of epinephrine in a school setting or at related activities shall adhere to the following requirements:

(1) A school that stocks an epinephrine autoinjector *or nasal spray* shall develop a protocol related to the training of school employees, the maintenance and location of the epinephrine autoinjector *or nasal spray*, and immediate and long-term followup to the administration of the medication, including making a 9-1-1 emergency call.

(2) The epinephrine autoinjector *or nasal spray* must be prescribed by a physician, advanced practice registered nurse, or physician assistant. The school must be designated as the patient, and each prescription for an epinephrine autoinjector *or nasal spray* must be filled by a licensed pharmacy.

(3) The school shall provide training to authorized personnel. The training must include causes of anaphylaxis, recognition of signs and symptoms of anaphylaxis, indications for the administration of epinephrine, the administration technique, and the need for immediate access to a certified emergency responder. Training must be provided by a school nurse, certified emergency responder, or other health care professional.

(4) The epinephrine autoinjector *or nasal spray* must be kept in a secure and easily accessible location.

(5) A school nurse or other authorized personnel may, in good faith, administer the epinephrine to any student or nonstudent who is experiencing a potential life-threatening anaphylactic reaction based on the protocol developed by the school.

(6) If a school stocks an epinephrine autoinjector *or nasal spray* that has been prescribed to the school, that school shall inform parents or guardians about the potential use of the epinephrine autoinjector *or nasal spray* in an anaphylactic emergency. The school shall make the protocol available upon request.

(7) In accordance with the provisions of 27-1-714, a school district or nonpublic school and its employees and agents are not liable as a result of any injury arising from the administration of epinephrine to a student or nonstudent unless an act or omission is the result of gross negligence, willful or wanton misconduct, or an intentional tort."

Section 3. Effective date. [This act] is effective on passage and approval.

Approved April 16, 2025

CHAPTER NO. 152

[SB 208]

AN ACT REVISING THE DEFINITION OF DEPENDENT CHILD IN THE RETIREMENT SYSTEMS FOR HIGHWAY PATROL OFFICERS, POLICE OFFICERS, AND FIREFIGHTERS; AND AMENDING SECTIONS 19-6-101, 19-9-104, AND 19-13-104, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 19-6-101, MCA, is amended to read:

"**19-6-101. Definitions.** Unless the context requires otherwise, the following definitions apply in this chapter:

(1) (a) "Compensation" means remuneration paid from funds controlled by an employer in payment for the member's services or for time during which the member is excused from work because the member has taken compensatory leave, sick leave, annual leave, or a leave of absence before any pretax deductions allowed by state or federal law are made.

(b) Compensation does not include:

(i) maintenance, allowances, and expenses; or

(ii) bonuses provided after July 1, 2013, that are one-time, temporary payments in addition to and not considered part of base pay.

(2) "Dependent child" means an unmarried child of a deceased retired member, who is:

(a) under 18 years of age; or

(b) under 24 years of age and attending an accredited *secondary or* postsecondary educational institution as a full-time student in anticipation of receiving a certificate or degree.

(3) (a) "Highest average compensation" means a member's highest average monthly compensation during any 36 consecutive months of membership service or, in the event a member has not served at least 36 months, the total compensation earned divided by the number of months of service.

(b) Lump-sum payments for compensatory leave, sick leave, and annual leave paid to the member upon termination of employment may be used in the calculation of a retirement benefit only to the extent that they are used to replace, on a month-for-month basis, the normal compensation for a month or months included in the calculation of the highest average compensation. A lump-sum payment may not be added to a single month's compensation.

(c) Excess earnings limits must be applied to the calculation of the highest average compensation pursuant to 19-2-1005(2).

(4) "Surviving spouse" means the spouse married to a retired member at the time of the retired member's death.

(5) "Survivor" means a surviving spouse or dependent child of a member."

Section 2. Section 19-9-104, MCA, is amended to read:

"**19-9-104. Definitions.** Unless the context requires otherwise, the following definitions apply in this chapter:

(1) (a) "Compensation" means the remuneration paid from funds controlled by an employer in payment for the member's services before any pretax deductions allowed by state or federal law are made.

(b) Compensation does not include:

(i) overtime, holiday payments, shift differential payments, compensatory time payments, and payments in lieu of sick leave and annual leave;

(ii) maintenance, allowances, and expenses; or

(iii) bonuses provided after July 1, 2013, that are one-time, temporary payments in addition to and not considered part of base pay.

(2) "Dependent child" means a child of a deceased member:

(a) who is unmarried and under 18 years of age; or

(b) who is unmarried, under 24 years of age, and attending an accredited *secondary or* postsecondary educational institution as a full-time student in anticipation of receiving a certificate or degree.

(3) "Employer" means any city that participated in a prior plan or that elects to join this retirement system under 19-9-207.

(4) (a) "Final average compensation" means the monthly compensation of a member averaged over the last 36 months of the member's service or, in the event a member has not served at least 36 months, the total compensation earned divided by the number of months of service.

(b) Excess earnings limits must be applied to the calculation of the final average compensation pursuant to 19-2-1005(2).

(5) "Minimum retirement date" means the first day of the month coinciding with or, if none coincides, the date on which a member both becomes age 50 and completes 5 years of membership service.

(6) Any reference to "municipality", "city", or "town" includes those jurisdictions that, prior to the effective date of a county-municipal consolidation, were incorporated municipalities, subsequent districts created for urban law enforcement services, or the entire county included in the county-municipal consolidation.

(7) "Police officer" means an appointed, lawfully trained, appropriately salaried, and regularly acting officer with the requisite professional certification and licensing.

(8) "Prior plan" means the local police reserve or pension trust fund of a city that elects to join the retirement system under 19-9-207.

(9) "Retirement date" means the date on which the first payment of the retirement, disability, or survivorship benefits of a member or a survivor is payable.

(10) "Surviving spouse" means the spouse married to a member at the time of the member's death.

(11) "Survivor" means a surviving spouse or dependent child of the member."

Section 3. Section 19-13-104, MCA, is amended to read:

"**19-13-104. Definitions.** Unless the context requires otherwise, the following definitions apply in this chapter:

(1) Any reference to "city" or "town" includes those jurisdictions that, before the effective date of a county-municipal consolidation, were incorporated municipalities, subsequent districts created for urban firefighting services, or the entire county included in the county-municipal consolidation.

(2) "Compensation" means:

(a) for a full-paid firefighter, the remuneration paid from funds controlled by an employer in payment for the member's services before any pretax deductions allowed by state and federal law are made;

(b) for a part-paid firefighter employed by a city of the second class:

(i) 15% of the regular remuneration, excluding overtime, holiday payments, shift differential payments, compensatory time payments, and payments in lieu of sick leave, paid on July 1 of each year to a newly confirmed, full-paid firefighter of the city that employs the part-paid firefighter; or

(ii) if that city does not employ a full-paid firefighter, 15% of the average regular remuneration, excluding overtime, holiday payments, shift differential payments, compensatory time payments, and payments in lieu of sick leave, paid on July 1 of each year to all newly confirmed, full-paid firefighters employed by cities of the second class.

(c) Compensation for full-paid and part-paid firefighters does not include:

(i) overtime, holiday payments, shift differential payments, compensatory time payments, and payments in lieu of sick leave;

(ii) maintenance, allowances, and expenses; or

(iii) bonuses provided after July 1, 2013, that are one-time, temporary payments in addition to and not considered part of base pay.

(3) "Dependent child" means a child of a deceased member who is:

(a) unmarried and under 18 years of age; or

(b) unmarried, under 24 years of age, and attending an accredited *secondary or* postsecondary educational institution as a full-time student in anticipation of receiving a certificate or degree.

(4) "Employer" means:

(a) any city that is of the first or second class or that elects to join this retirement system under 19-13-211;

(b) a city or a rural fire district referred to in 19-13-210(3);

(c) with respect to firefighters covered in the retirement system pursuant to 19-13-210(2), the department of military affairs established in 2-15-1201; and

(d) any other statutorily allowed entity that elects to join this retirement system pursuant to 19-13-210.

(5) "Firefighter" means a person employed as a full-paid or part-paid firefighter by an employer.

(6) "Full-paid firefighter" means a person appointed pursuant to 7-33-4106 by an employer as a firefighter meeting the standards provided in 7-33-4107.

(7) (a) "Highest average compensation" means the monthly compensation of a member averaged over the highest consecutive 36 months of the member's active service or, in the event a member has not served at least 36 consecutive months, the total compensation earned divided by the number of months of service.

(b) Lump-sum payments for annual leave paid to the member upon termination of employment may be used to replace, on a month-for-month basis, the regular compensation for a month or months included in the calculation of highest average compensation.

(c) Excess earnings limits must be applied to the calculation of the highest average compensation pursuant to 19-2-1005(2).

(8) "Minimum retirement date" means the first day of the month coinciding with or immediately following, if none coincides, the date on which a member both reaches 50 years of age or older and completes 5 or more years of membership service.

(9) "Newly confirmed firefighter" means a new member of a fire department appointed pursuant to 7-33-4106 and meeting the standards of 7-33-4107.

(10) "Part-paid firefighter" means a person other than a full-paid firefighter employed by a second-class city who receives compensation in excess of $300 in a fiscal year for service as a firefighter and who is appointed by an employer as a firefighter under the standards provided in 7-33-4106 and 7-33-4107.

(11) "Prior plan" means the fire department relief association plan of a city that elects to join the retirement system under 19-13-211 or the fire department relief association plan of a city of the first or second class.

(12) "Retirement date" means the date on which the first payment of benefits is payable.

(13) "Retirement system" means the firefighters' unified retirement system provided for in this chapter.

(14) "Surviving spouse" means the spouse married to a member at the time of the member's death."

Approved April 16, 2025

CHAPTER NO. 153

[SB 206]

AN ACT GENERALLY REVISING LAWS RELATED TO CHILD ABUSE AND NEGLECT PROCEEDINGS AND INVESTIGATIONS; PROVIDING FOR A CHILD PROTECTION INVESTIGATOR AND CHILD REUNIFICATION SPECIALIST; ESTABLISHING THE AUTHORITY OF AND CERTIFICATION REQUIREMENTS FOR CHILD PROTECTION INVESTIGATORS AND CHILD REUNIFICATION SPECIALISTS; AMENDING SECTIONS 41-3-102, 41-3-108, 41-3-127, 41-3-128, 41-3-129, 41-3-130, 41-3-201, 41-3-202, 41-3-205, 41-3-216, 41-3-301, 41-3-307, 41-3-427, AND 41-3-445, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Child protection investigator and child reunification specialist -- scope of authority. (1) The role of a child protection investigator is to investigate allegations of child abuse or neglect. A child protection investigator serves as the primary representative of the department in child abuse and neglect investigations and proceedings prior to the removal of a child. The authority of a child protection investigator includes:

(a) investigating reported allegations of child abuse or neglect under the requirements 41-3-202;

(b) removing a child under the requirements of 41-3-301;

(c) participating in a prehearing conference under 41-3-307;

(d) furnishing an affidavit to support a petition filed under 41-3-422 for the relief available under 41-3-422(1)(a);

(e) testifying to the facts surrounding an investigation of child abuse or neglect and removal of a child or reasonable efforts to prevent removal of a child at:

(i) an emergency protective services hearing, as provided in 41-3-306;

(ii) a show cause hearing, as provided in 41-3-432;

(iii) an adjudicatory hearing, as provided in 41-3-437;

(iv) a dispositional hearing, as provided in 41-3-438;

(v) a permanency hearing, as provided in 41-3-445; or

(vi) proceedings held to consider the termination of a parent-child relationship, as provided in 41-3-607;

(f) engaging in reasonable efforts to prevent the necessity of removal of a child, as provided in 41-3-423; and

(g) participating on behalf of the department in formal or informal proceedings related to an investigation of child abuse or neglect or removal of a child in which the facts surrounding an investigation or removal are at issue and the facts surrounding an investigation or removal are not prohibited from disclosure.

(2) The role of a child reunification specialist is to coordinate reunification services for a child after removal. A child reunification specialist serves as the primary representative of the department in child abuse and neglect investigations and proceedings after the removal of a child. The authority of a child reunification specialist includes:

(a) participating in a prehearing conference under 41-3-307;

(b) testifying to the facts surrounding a temporary or permanent placement of a child or reasonable efforts to reunify a family at:

(i) an emergency protective services hearing, as provided in 41-3-306;

(ii) a show cause hearing, as provided in 41-3-432;

(iii) an adjudicatory hearing, as provided in 41-3-437;

(iv) a dispositional hearing, as provided in 41-3-438;

(v) a permanency hearing, as provided in 41-3-445;

(vi) a review hearing, as provided in 41-3-441; or

(vii) proceedings held to consider the termination of a parent-child relationship, as provided in 41-3-607;

(c) engaging in reasonable efforts to reunify families that are separated by the state, as provided in 41-3-423;

(d) determining the appropriate placement for a child, as provided in 41-3-440;

(e) documenting and reporting the requirements of a treatment plan and the progress of a parent or parents toward completion of a treatment plan, as provided in 41-3-443;

(f) investigating and evaluating the availability of placement preferences and exceptions to placement preferences, as provided in 41-3-450 and 41-3-451; and

(g) participating on behalf of the department in formal or informal proceedings related to a placement or reunification of a child in which the facts surrounding a placement or reunification are at issue and the facts surrounding a placement or reunification are not prohibited from disclosure.

(3) The role of child protection investigator and the role of child reunification specialist may not be performed by the same person in a single matter involving the same child or children except as necessary when an individual office does not have sufficient employees available for the department to perform its required duties under Title 41, chapter 3.

Section 2. Section 41-3-102, MCA, is amended to read:

"~~**41-3-102. (Temporary) Definitions.** As used in this chapter, the following definitions apply:~~

~~(1) (a) "Abandon", "abandoned", and "abandonment" mean:~~

~~(i) leaving a child under circumstances that make reasonable the belief that the parent does not intend to resume care of the child in the future;~~

~~(ii) willfully surrendering physical custody for a period of 6 months and during that period not manifesting to the child and the person having physical custody of the child a firm intention to resume physical custody or to make permanent legal arrangements for the care of the child;~~

~~(iii) that the parent is unknown and has been unknown for a period of 90 days and that reasonable efforts to identify and locate the parent have failed; or~~

~~(iv) the voluntary surrender, as defined in 40-6-402, by a parent of a newborn who is no more than 30 days old to an emergency services provider, as defined in 40-6-402.~~

~~(b) The terms do not include the voluntary surrender of a child to the department solely because of parental inability to access publicly funded services.~~

~~(2) "A person responsible for a child's welfare" means:~~

~~(a) the child's parent, guardian, or foster parent or an adult who resides in the same home in which the child resides;~~

~~(b) a person providing care in a day-care facility;~~

~~(c) an employee of a public or private residential institution, facility, home, or agency; or~~

~~(d) any other person responsible for the child's welfare in a residential setting.~~

~~(3) "Abused or neglected" means the state or condition of a child who has suffered child abuse or neglect.~~

~~(4) (a) "Adequate health care" means any medical care or nonmedical remedial health care recognized by an insurer licensed to provide disability insurance under Title 33, including the prevention of the withholding of medically indicated treatment or medically indicated psychological care permitted or authorized under state law.~~

~~(b) This chapter may not be construed to require or justify a finding of child abuse or neglect for the sole reason that a parent or legal guardian, because of religious beliefs, does not provide adequate health care for a child. However, this chapter may not be construed to limit the administrative or judicial authority of the state to ensure that medical care is provided to the child when there is imminent substantial risk of serious harm to the child.~~

~~(5) "Best interests of the child" means the physical, mental, and psychological conditions and needs of the child and any other factor considered by the court to be relevant to the child.~~

~~(6) "Child" or "youth" means any person under 18 years of age.~~

~~(7) (a) "Child abuse or neglect" means:~~

~~(i) actual physical or psychological harm to a child;~~

~~(ii) substantial risk of physical or psychological harm to a child; or~~

~~(iii) abandonment.~~

~~(b) (i) The term includes:~~

~~(A) actual physical or psychological harm to a child or substantial risk of physical or psychological harm to a child by the acts or omissions of a person responsible for the child's welfare;~~

~~(B) exposing a child to the criminal distribution of dangerous drugs, as prohibited by 45-9-101, the criminal production or manufacture of dangerous drugs, as prohibited by 45-9-110, or the operation of an unlawful clandestine laboratory, as prohibited by 45-9-132; or~~

~~(C) any form of child sex trafficking or human trafficking.~~

~~(ii) For the purposes of this subsection (7), "dangerous drugs" means the compounds and substances described as dangerous drugs in Schedules I through IV in Title 50, chapter 32, part 2.~~

~~(c) In proceedings under this chapter in which the federal Indian Child Welfare Act or the Montana Indian Child Welfare Act provided for in Title 41, chapter 3, part 13, are applicable, this term has the same meaning as "serious emotional or physical damage to the child" as used in 25 U.S.C. 1912(f).~~

~~(d) The term does not include:~~

~~(i) self-defense, defense of others, or action taken to prevent the child from self-harm that does not constitute physical or psychological harm to a child; or~~

~~(ii) a youth not receiving supervision solely because of parental inability to control the youth's behavior.~~

~~(8) "Child protection specialist" means an employee of the department who investigates allegations of child abuse, neglect, and endangerment and has been certified pursuant to 41-3-127.~~

~~(9) "Concurrent planning" means to work toward reunification of the child with the family while at the same time developing and implementing an alternative permanent plan.~~

~~(10) "Decline to prosecute" means a decision not to file criminal charges based on the matter reported by the department or investigation by law enforcement for any reason, including but not limited to insufficient evidence.~~

~~(11) "Department" means the department of public health and human services provided for in 2-15-2201.~~

~~(12) "Family engagement meeting" means a meeting that involves family members in either developing treatment plans or making placement decisions, or both.~~

~~(13) "Indian child" has the meaning provided in 41-3-1303.~~

~~(14) "Indian child's tribe" has the meaning provided in 41-3-1303.~~

~~(15) "Indian custodian" has the meaning provided in 41-3-1303.~~

~~(16) "Indian tribe" has the meaning provided in 41-3-1303.~~

~~(17) "Limited emancipation" means a status conferred on a youth by a court in accordance with 41-1-503 under which the youth is entitled to exercise some but not all of the rights and responsibilities of a person who is 18 years of age or older.~~

~~(18) "Parent" means a biological or adoptive parent or stepparent.~~

~~(19) "Parent-child legal relationship" means the legal relationship that exists between a child and the child's birth or adoptive parents, as provided in Title 40, chapter 6, part 2, unless the relationship has been terminated by competent judicial decree as provided in 40-6-234, Title 42, or part 6 of this chapter.~~

~~(20) "Permanent placement" means reunification of the child with the child's parent, adoption, placement with a legal guardian, placement with a fit and willing relative, or placement in another planned permanent living arrangement until the child reaches 18 years of age.~~

~~(21) "Physical abuse" means an intentional act, an intentional omission, or gross negligence resulting in substantial skin bruising, internal bleeding, substantial injury to skin, subdural hematoma, burns, bone fractures, extreme pain, permanent or temporary disfigurement, impairment of any bodily organ or function, or death.~~

~~(22) "Physical neglect" means:~~

~~(a) failure to provide basic necessities, including but not limited to appropriate and adequate nutrition, protective shelter from the elements, and appropriate clothing related to weather conditions;~~

~~(b) failure to provide cleanliness and general supervision, or both;~~

~~(c) exposing or allowing the child to be exposed to an unreasonable physical or psychological risk to the child;~~

~~(d) allowing sexual abuse or exploitation of the child; or~~

~~(e) causing malnutrition or a failure to thrive.~~

~~(23) "Physical or psychological harm to a child" means the harm that occurs whenever the parent or other person responsible for the child's welfare inflicts or allows to be inflicted on the child physical abuse, physical neglect, or psychological abuse or neglect.~~

~~(24) (a) "Protective services" means services provided by the department:~~

~~(i) to enable a child alleged to have been abused or neglected to remain safely in the home;~~

~~(ii) to enable a child alleged to have been abused or neglected who has been removed from the home to safely return to the home; or~~

~~(iii) to achieve permanency for a child adjudicated as a youth in need of care when circumstances and the best interests of the child prevent reunification with parents or a return to the home.~~

~~(b) The term includes emergency protective services provided pursuant to 41-3-301, written prevention plans provided pursuant to 41-3-302, and court-ordered protective services provided pursuant to parts 4 and 6 of this chapter.~~

~~(25) (a) "Psychological abuse or neglect" means severe maltreatment, through acts or omissions, that is injurious to the child's intellectual or psychological capacity to function and that is identified as psychological abuse or neglect by a licensed psychologist, a licensed professional counselor, a licensed clinical social worker, a licensed psychiatrist, a licensed pediatrician,~~

~~or a licensed advanced practice registered nurse with a focused practice in psychiatry.~~

~~(b) The term includes but is not limited to the commission of acts of violence against another person residing in the child's home.~~

~~(c) The term may not be construed to hold a victim responsible for failing to prevent the crime against the victim.~~

~~(26) "Qualified expert witness" as used in cases involving an Indian child in proceedings subject to the federal Indian Child Welfare Act or the Montana Indian Child Welfare Act provided for in Title 41, chapter 3, part 13, means:~~

~~(a) a member of the Indian child's tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to a family organization and child-rearing practices;~~

~~(b) a lay expert witness who has substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing social and cultural standards and child-rearing practices within the Indian child's tribe; or~~

~~(c) a professional person who has substantial education and experience in providing services to children and families and who possesses significant knowledge of and experience with Indian culture, family structure, and child-rearing practices in general.~~

~~(27) "Qualified individual" means a trained professional or licensed clinician who:~~

~~(a) has expertise in the therapeutic needs assessment used for placement of youth in a therapeutic group home;~~

~~(b) is not an employee of the department; and~~

~~(c) is not connected to or affiliated with any placement setting in which children are placed.~~

~~(28) "Reasonable cause to suspect" means cause that would lead a reasonable person to believe that child abuse or neglect may have occurred or is occurring, based on all the facts and circumstances known to the person.~~

~~(29) "Residential setting" means an out-of-home placement where the child typically resides for longer than 30 days for the purpose of receiving food, shelter, security, guidance, and, if necessary, treatment.~~

~~(30) "Safety and risk assessment" means an evaluation by a child protection specialist following an initial report of child abuse or neglect to assess the following:~~

~~(a) the existing threat or threats to the child's safety;~~

~~(b) the protective capabilities of the parent or guardian;~~

~~(c) any particular vulnerabilities of the child;~~

~~(d) any interventions required to protect the child; and~~

~~(e) the likelihood of future physical or psychological harm to the child.~~

~~(31) (a) "Sexual abuse" means the commission of sexual assault, sexual intercourse without consent, aggravated sexual intercourse without consent, indecent exposure, sexual abuse, ritual abuse of a minor, or incest, as described in Title 45, chapter 5.~~

~~(b) Sexual abuse does not include any necessary touching of an infant's or toddler's genital area while attending to the sanitary or health care needs of that infant or toddler by a parent or other person responsible for the child's welfare.~~

~~(32) "Sexual exploitation" means:~~

~~(a) allowing, permitting, or encouraging a child to engage in a prostitution offense, as described in 45-5-601;~~

~~(b) allowing, permitting, or encouraging sexual abuse of children as described in 45-5-625; or~~

~~(c) allowing, permitting, or encouraging sex trafficking as described in 45-5-702, 45-5-705, 45-5-706, or 45-5-711.~~

~~(33) "Therapeutic needs assessment" means an assessment performed by a qualified individual within 30 days of placement of a child in a therapeutic group home that:~~

~~(a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, functional assessment tool;~~

~~(b) determines whether the needs of the child can be met with family members or through placement in a youth foster home or, if not, which appropriate setting would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals for the child as specified in the child's permanency plan; and~~

~~(c) develops a list of child-specific short-term and long-term mental and behavioral health goals.~~

~~(34) "Treatment plan" means a written agreement between the department and the parent or guardian or a court order that includes action that must be taken to resolve the condition or conduct of the parent or guardian that resulted in the need for protective services for the child. The treatment plan may involve court services, the department, and other parties, if necessary, for protective services.~~

~~(35) (a) "Withholding of medically indicated treatment" means the failure to respond to an infant's life-threatening conditions by providing treatment, including appropriate nutrition, hydration, and medication, that, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting the conditions.~~

~~(b) The term does not include the failure to provide treatment, other than appropriate nutrition, hydration, or medication, to an infant when, in the treating physician's or physicians' reasonable medical judgment:~~

~~(i) the infant is chronically and irreversibly comatose;~~

~~(ii) the provision of treatment would:~~

~~(A) merely prolong dying;~~

~~(B) not be effective in ameliorating or correcting all of the infant's life-threatening conditions; or~~

~~(C) otherwise be futile in terms of the survival of the infant; or~~

~~(iii) the provision of treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane. For purposes of this subsection (35), "infant" means an infant less than 1 year of age or an infant 1 year of age or older who has been continuously hospitalized since birth, who was born extremely prematurely, or who has a long-term disability. The reference to less than 1 year of age may not be construed to imply that treatment should be changed or discontinued when an infant reaches 1 year of age or to affect or limit any existing protections available under state laws regarding medical neglect of children 1 year of age or older.~~

~~(36) "Youth in need of care" means a youth who has been adjudicated or determined, after a hearing, to be or to have been abused, neglected, or abandoned. (Terminates June 30, 2025--sec. 55, Ch. 716, L. 2023.)~~

41-3-102. ~~(Effective July 1, 2025)~~ Definitions. As used in this chapter, the following definitions apply:

(1) (a) "Abandon", "abandoned", and "abandonment" mean:

(i) leaving a child under circumstances that make reasonable the belief that the parent does not intend to resume care of the child in the future;

(ii) willfully surrendering physical custody for a period of 6 months and during that period not manifesting to the child and the person having physical custody of the child a firm intention to resume physical custody or to make permanent legal arrangements for the care of the child;

(iii) that the parent is unknown and has been unknown for a period of 90 days and that reasonable efforts to identify and locate the parent have failed; or

(iv) the voluntary surrender, as defined in 40-6-402, by a parent of a newborn who is no more than 30 days old to an emergency services provider, as defined in 40-6-402.

(b) The terms do not include the voluntary surrender of a child to the department solely because of parental inability to access publicly funded services.

(2) "A person responsible for a child's welfare" means:

(a) the child's parent, guardian, or foster parent or an adult who resides in the same home in which the child resides;

(b) a person providing care in a day-care facility;

(c) an employee of a public or private residential institution, facility, home, or agency; or

(d) any other person responsible for the child's welfare in a residential setting.

(3) "Abused or neglected" means the state or condition of a child who has suffered child abuse or neglect.

(4) (a) "Adequate health care" means any medical care or nonmedical remedial health care recognized by an insurer licensed to provide disability insurance under Title 33, including the prevention of the withholding of medically indicated treatment or medically indicated psychological care permitted or authorized under state law.

(b) This chapter may not be construed to require or justify a finding of child abuse or neglect for the sole reason that a parent or legal guardian, because of religious beliefs, does not provide adequate health care for a child. However, this chapter may not be construed to limit the administrative or judicial authority of the state to ensure that medical care is provided to the child when there is imminent substantial risk of serious harm to the child.

(5) "Best interests of the child" means the physical, mental, and psychological conditions and needs of the child and any other factor considered by the court to be relevant to the child.

(6) "Child" or "youth" means any person under 18 years of age.

(7) (a) "Child abuse or neglect" means:

(i) actual physical or psychological harm to a child;

(ii) substantial risk of physical or psychological harm to a child; or

(iii) abandonment.

(b) (i) The term includes:

(A) actual physical or psychological harm to a child or substantial risk of physical or psychological harm to a child by the acts or omissions of a person responsible for the child's welfare;

(B) exposing a child to the criminal distribution of dangerous drugs, as prohibited by 45-9-101, the criminal production or manufacture of dangerous drugs, as prohibited by 45-9-110, or the operation of an unlawful clandestine laboratory, as prohibited by 45-9-132; or

(C) any form of child sex trafficking or human trafficking.

(ii) For the purposes of this subsection (7), "dangerous drugs" means the compounds and substances described as dangerous drugs in Schedules I through IV in Title 50, chapter 32, part 2.

(c) In proceedings under this chapter in which the federal Indian Child Welfare Act is applicable, this term has the same meaning as "serious emotional or physical damage to the child" as used in 25 U.S.C. 1912(f).

(d) The term does not include:

(i) self-defense, defense of others, or action taken to prevent the child from self-harm that does not constitute physical or psychological harm to a child; or

(ii) a youth not receiving supervision solely because of parental inability to control the youth's behavior.

(8) "Child protection ~~specialist~~ *investigator*" means an employee of the department who investigates allegations of child abuse, neglect, and endangerment and has been certified pursuant to 41-3-127.

(9) "Child reunification specialist" means an employee of the department who coordinates reunification services for a child after removal and has been certified pursuant to 41-3-127.

~~(9)~~*(10)* "Concurrent planning" means to work toward reunification of the child with the family while at the same time developing and implementing an alternative permanent plan.

~~(10)~~*(11)* "Decline to prosecute" means a decision not to file criminal charges based on the matter reported by the department or investigation by law enforcement for any reason, including but not limited to insufficient evidence.

~~(11)~~*(12)* "Department" means the department of public health and human services provided for in 2-15-2201.

~~(12)~~*(13)* "Family engagement meeting" means a meeting that involves family members in either developing treatment plans or making placement decisions, or both.

~~(13)~~*(14)* "Indian child" means any unmarried person who is under 18 years of age and who is either:

(a) a member of an Indian tribe; or

(b) eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

~~(14)~~*(15)* "Indian child's tribe" means:

(a) the Indian tribe in which an Indian child is a member or eligible for membership; or

(b) in the case of an Indian child who is a member of or eligible for membership in more than one Indian tribe, the Indian tribe with which the Indian child has the more significant contacts.

~~(15)~~*(16)* "Indian custodian" means any Indian person who has legal custody of an Indian child under tribal law or custom or under state law or to whom temporary physical care, custody, and control have been transferred by the child's parent.

~~(16)~~*(17)* "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians recognized by:

(a) the state of Montana; or

(b) the United States secretary of the interior as being eligible for the services provided to Indians or because of the group's status as Indians, including any Alaskan native village as defined in federal law.

~~(17)~~*(18)* "Limited emancipation" means a status conferred on a youth by a court in accordance with 41-1-503 under which the youth is entitled to exercise some but not all of the rights and responsibilities of a person who is 18 years of age or older.

~~(18)~~*(19)* "Parent" means a biological or adoptive parent or stepparent.

~~(19)~~*(20)* "Parent-child legal relationship" means the legal relationship that exists between a child and the child's birth or adoptive parents, as provided in Title 40, chapter 6, part 2, unless the relationship has been terminated by

competent judicial decree as provided in 40-6-234, Title 42, or part 6 of this chapter.

~~(20)~~*(21)* "Permanent placement" means reunification of the child with the child's parent, adoption, placement with a legal guardian, placement with a fit and willing relative, or placement in another planned permanent living arrangement until the child reaches 18 years of age.

~~(21)~~*(22)* "Physical abuse" means an intentional act, an intentional omission, or gross negligence resulting in substantial skin bruising, internal bleeding, substantial injury to skin, subdural hematoma, burns, bone fractures, extreme pain, permanent or temporary disfigurement, impairment of any bodily organ or function, or death.

~~(22)~~*(23)* "Physical neglect" means:

(a) failure to provide basic necessities, including but not limited to appropriate and adequate nutrition, protective shelter from the elements, and appropriate clothing related to weather conditions;

(b) failure to provide cleanliness and general supervision, or both;

(c) exposing or allowing the child to be exposed to an unreasonable physical or psychological risk to the child;

(d) allowing sexual abuse or exploitation of the child; or

(e) causing malnutrition or a failure to thrive.

~~(23)~~*(24)* "Physical or psychological harm to a child" means the harm that occurs whenever the parent or other person responsible for the child's welfare inflicts or allows to be inflicted on the child physical abuse, physical neglect, or psychological abuse or neglect.

~~(24)~~*(25)* (a) "Protective services" means services provided by the department:

(i) to enable a child alleged to have been abused or neglected to remain safely in the home;

(ii) to enable a child alleged to have been abused or neglected who has been removed from the home to safely return to the home; or

(iii) to achieve permanency for a child adjudicated as a youth in need of care when circumstances and the best interests of the child prevent reunification with parents or a return to the home.

(b) The term includes emergency protective services provided pursuant to 41-3-301, written prevention plans provided pursuant to 41-3-302, and court-ordered protective services provided pursuant to parts 4 and 6 of this chapter.

~~(25)~~*(26)* (a) "Psychological abuse or neglect" means severe maltreatment, through acts or omissions, that is injurious to the child's intellectual or psychological capacity to function and that is identified as psychological abuse or neglect by a licensed psychologist, a licensed professional counselor, a licensed clinical social worker, a licensed psychiatrist, a licensed pediatrician, or a licensed advanced practice registered nurse with a focused practice in psychiatry.

(b) The term includes but is not limited to the commission of acts of violence against another person residing in the child's home.

(c) The term may not be construed to hold a victim responsible for failing to prevent the crime against the victim.

~~(26)~~*(27)* "Qualified expert witness" as used in cases involving an Indian child in proceedings subject to the federal Indian Child Welfare Act means:

(a) a member of the Indian child's tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to family organization and child-rearing practices;

(b) a lay expert witness who has substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing

social and cultural standards and child-rearing practices within the Indian child's tribe; or

(c) a professional person who has substantial education and experience in providing services to children and families and who possesses significant knowledge of and experience with Indian culture, family structure, and child-rearing practices in general.

~~(27)~~*(28)* "Qualified individual" means a trained professional or licensed clinician who:

(a) has expertise in the therapeutic needs assessment used for placement of youth in a therapeutic group home;

(b) is not an employee of the department; and

(c) is not connected to or affiliated with any placement setting in which children are placed.

~~(28)~~*(29)* "Reasonable cause to suspect" means cause that would lead a reasonable person to believe that child abuse or neglect may have occurred or is occurring, based on all the facts and circumstances known to the person.

~~(29)~~*(30)* "Residential setting" means an out-of-home placement where the child typically resides for longer than 30 days for the purpose of receiving food, shelter, security, guidance, and, if necessary, treatment.

~~(30)~~*(31)* "Safety and risk assessment" means an evaluation by a child protection ~~specialist~~ *investigator* following an initial report of child abuse or neglect to assess the following:

(a) the existing threat or threats to the child's safety;

(b) the protective capabilities of the parent or guardian;

(c) any particular vulnerabilities of the child;

(d) any interventions required to protect the child; and

(e) the likelihood of future physical or psychological harm to the child.

~~(31)~~*(32)* (a) "Sexual abuse" means the commission of sexual assault, sexual intercourse without consent, aggravated sexual intercourse without consent, indecent exposure, sexual abuse, ritual abuse of a minor, or incest, as described in Title 45, chapter 5.

(b) Sexual abuse does not include any necessary touching of an infant's or toddler's genital area while attending to the sanitary or health care needs of that infant or toddler by a parent or other person responsible for the child's welfare.

~~(32)~~*(33)* "Sexual exploitation" means:

(a) allowing, permitting, or encouraging a child to engage in a prostitution offense, as described in 45-5-601;

(b) allowing, permitting, or encouraging sexual abuse of children as described in 45-5-625; or

(c) allowing, permitting, or encouraging sex trafficking as described in 45-5-702, 45-5-705, 45-5-706, or 45-5-711.

~~(33)~~*(34)* "Therapeutic needs assessment" means an assessment performed by a qualified individual within 30 days of placement of a child in a therapeutic group home that:

(a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, functional assessment tool;

(b) determines whether the needs of the child can be met with family members or through placement in a youth foster home or, if not, which appropriate setting would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals for the child as specified in the child's permanency plan; and

(c) develops a list of child-specific short-term and long-term mental and behavioral health goals.

~~(34)~~*(35)* "Treatment plan" means a written agreement between the department and the parent or guardian or a court order that includes action that must be taken to resolve the condition or conduct of the parent or guardian that resulted in the need for protective services for the child. The treatment plan may involve court services, the department, and other parties, if necessary, for protective services.

~~(35)~~*(36)* (a) "Withholding of medically indicated treatment" means the failure to respond to an infant's life-threatening conditions by providing treatment, including appropriate nutrition, hydration, and medication, that, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting the conditions.

(b) The term does not include the failure to provide treatment, other than appropriate nutrition, hydration, or medication, to an infant when, in the treating physician's or physicians' reasonable medical judgment:

(i) the infant is chronically and irreversibly comatose;

(ii) the provision of treatment would:

(A) merely prolong dying;

(B) not be effective in ameliorating or correcting all of the infant's life-threatening conditions; or

(C) otherwise be futile in terms of the survival of the infant; or

(iii) the provision of treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane. For purposes of this subsection ~~(35)~~ *(36)*, "infant" means an infant less than 1 year of age or an infant 1 year of age or older who has been continuously hospitalized since birth, who was born extremely prematurely, or who has a long-term disability. The reference to less than 1 year of age may not be construed to imply that treatment should be changed or discontinued when an infant reaches 1 year of age or to affect or limit any existing protections available under state laws regarding medical neglect of children 1 year of age or older.

~~(36)~~*(37)* "Youth in need of care" means a youth who has been adjudicated or determined, after a hearing, to be or to have been abused, neglected, or abandoned."

Section 3. Section 41-3-108, MCA, is amended to read:

"**41-3-108. Child protective teams.** The county attorney, county commissioners, guardian ad litem, or department may convene one or more temporary or permanent interdisciplinary child protective teams. These teams may assist in assessing the needs of, formulating and monitoring a treatment plan for, and coordinating services to the child and the child's family. The supervisor of child protective services in a local service area or the supervisor's designee shall serve as the team's coordinator. Members must include:

(1) a child protection ~~specialist~~ *investigator or a child reunification specialist*;

(2) a member of a local law enforcement agency;

(3) a representative of the medical profession;

(4) a representative of a public school system;

(5) a county attorney; and

(6) if an Indian child or children are involved, someone, preferably an Indian person, knowledgeable about Indian culture and family matters."

Section 4. Section 41-3-127, MCA, is amended to read:

"**41-3-127. Certification required for use of title -- exceptions.** (1) On certification in accordance with 41-3-127 through 41-3-130, a person

may use the title "certified child protection ~~specialist~~ *investigator*" *or "certified child reunification specialist"*.

(2) Subsection (1) does not prohibit a qualified member of another profession, such as a law enforcement officer, lawyer, psychologist, pastoral counselor, probation officer, court employee, nurse, school counselor, educator, or baccalaureate, master's, or clinical social worker, clinical professional counselor, addiction counselor, or marriage and family therapist licensed pursuant to Title 37, chapter 39, from performing duties and services consistent with the person's licensure or certification and the code of ethics of the person's profession.

(3) Subsection (1) does not prohibit a qualified member of another profession, business, educational program, or volunteer organization who is not licensed or certified or for whom there is no applicable code of ethics, including a guardian ad litem, child advocate, or law enforcement officer, from performing duties and services consistent with the person's training, as long as the person does not represent by title that the person is a certified child protection ~~specialist~~ *investigator or a certified child reunification specialist*."

Section 5. Section 41-3-128, MCA, is amended to read:

"~~**41-3-128. (Temporary) Certificate requirements -- supervision -- fees.** (1) An applicant for certification as a child protection specialist shall:~~

~~(a) successfully complete a course in child protection, as defined by the department by the rule, which must include training in:~~

~~(i) ethics;~~

~~(ii) governing statutory and regulatory framework;~~

~~(iii) role of law enforcement;~~

~~(iv) crisis intervention techniques;~~

~~(v) childhood trauma research, including research on the trauma a child experiences when removed from the home;~~

~~(vi) evidence-based practices for family preservation and strengthening; and~~

~~(vii) the provisions of the federal Indian Child Welfare Act, 25 U.S.C. 1902, et seq., and the Montana Indian Child Welfare Act provided for in Title 41, chapter 3, part 13; and~~

~~(b) demonstrate the applicant's ability to perform all essential functions of the certified child protection role by earning a passing score on a competency examination developed pursuant to 41-3-130.~~

~~(2) As a prerequisite to the issuance of a certificate, the department shall require the applicant to submit fingerprints for the purpose of fingerprint background checks by the Montana department of justice and the federal bureau of investigation as provided in 37-1-307.~~

~~(3) An applicant who has a history of criminal convictions has the opportunity to demonstrate to the department that the applicant is sufficiently rehabilitated to warrant the public trust. The department may deny the certificate if it determines that the applicant is not sufficiently rehabilitated. (Terminates June 30, 2025--sec. 55, Ch. 716, L. 2023.)~~

41-3-128. ~~(Effective July 1, 2025)~~ Certificate requirements -- supervision -- fees. (1) An applicant for certification as a child protection ~~specialist~~ *investigator or a child reunification specialist* shall:

(a) successfully complete a course in child protection, as defined by the department by rule, which must include training in:

(i) ethics;

(ii) governing statutory and regulatory framework;

(iii) role of law enforcement;

(iv) crisis intervention techniques;

(v) childhood trauma research, including research on the trauma a child experiences when removed from the home;

(vi) evidence-based practices for family preservation and strengthening; ~~and~~

(vii) evidence-based interventions and services to support family reunification; and

~~(vii)~~*(viii)* the provisions of the Indian Child Welfare Act, 25 U.S.C. 1902, et seq.; and

(b) demonstrate the applicant's ability to perform all essential functions of the certified child protection *investigator* role *or the certified child reunification specialist role* by earning a passing score on a competency examination developed pursuant to 41-3-130.

(2) As a prerequisite to the issuance of a certificate, the department shall require the applicant to submit fingerprints for the purpose of fingerprint background checks by the Montana department of justice and the federal bureau of investigation as provided in 37-1-307.

(3) An applicant who has a history of criminal convictions has the opportunity to demonstrate to the department that the applicant is sufficiently rehabilitated to warrant the public trust. The department may deny the certificate if it determines that the applicant is not sufficiently rehabilitated."

Section 6. Section 41-3-129, MCA, is amended to read:

"**41-3-129. Certificate renewal -- continuing education.** (1) A certified child protection ~~specialist~~ *investigator or a certified child reunification specialist* shall renew the ~~specialist's~~ certification annually using a process specified by department rule, which must include proof of completion of at least 20 hours of continuing education developed or approved by the department.

(2) The continuing education may include any topic listed in subsection (1) of 41-3-128 and must include at least one unit focused on:

(a) ethics; and

(b) recent developments in governing law or rule."

Section 7. Section 41-3-130, MCA, is amended to read:

"**41-3-130. Implementation of certification requirement for child protection ~~specialists~~ *investigators and child reunification specialists.*** (1) (a) The department shall engage and collaborate with an external organization to develop a child welfare certification and training program, including a competency examination, that must be an ongoing component of the department's child welfare work.

(b) The program and examination must be reevaluated every 2 years to ensure that they:

(i) reflect current trends, research, and developments in the law; and

(ii) promote evidence-based or evidence-informed practices.

(2) A person hired by the department for a child-facing position ~~after October 1, 2021,~~ shall become a certified child protection ~~specialist~~ *investigator or a certified child reunification specialist* pursuant to 41-3-127 through 41-3-130 within 1 year of the date of hire.

~~(3) A person already employed by the department in a child-facing position before October 1, 2021, shall obtain child protection specialist certification pursuant to 41-3-127 through 41-3-130 by October 1, 2023.~~

~~(4)~~*(3)* For the purpose of this section, "child-facing position" means an employee role under this chapter that involves regular interaction with minors, including but not limited to investigating reports of child abuse, neglect, or endangerment *and coordinating reunification services*."

Section 8. Section 41-3-201, MCA, is amended to read:

"**41-3-201. Reports.** (1) When the professionals and officials listed in subsection (2) know or have reasonable cause to suspect, as a result of information they receive in their professional or official capacity, that a child is abused or neglected by anyone regardless of whether the person suspected of causing the abuse or neglect is a parent or other person responsible for the child's welfare, they shall report the matter promptly to the department. The department shall follow the provisions of 41-3-212 in taking the report.

(2) Professionals and officials required to report are:

(a) a physician, resident, intern, or member of a hospital's staff engaged in the admission, examination, care, or treatment of persons;

(b) a nurse, osteopath, chiropractor, podiatrist, medical examiner, coroner, dentist, optometrist, or any other health or mental health professional;

(c) religious healers;

(d) school teachers, other school officials, and employees who work during regular school hours;

(e) a social worker licensed pursuant to Title 37, child protection ~~specialist~~ *investigator, child reunification specialist*, operator or employee of any registered or licensed day-care or substitute care facility, staff of a resource and referral grant program organized under 52-2-711 or of a child and adult food care program, or an operator or employee of a child-care facility;

(f) a foster care, residential, or institutional worker;

(g) a peace officer or other law enforcement official;

(h) a member of the clergy, as defined in 15-6-201(2)(b);

(i) a guardian ad litem or a court-appointed advocate who is authorized to investigate a report of alleged abuse or neglect;

(j) an employee of an entity that contracts with the department to provide direct services to children; and

(k) an employee of the department while in conduct of the employee's duties.

(3) A professional listed in subsection (2)(a) or (2)(b) involved in the delivery or care of an infant shall report to the department any infant known to the professional to be affected by a dangerous drug, as defined in 50-32-101.

(4) Any person may make a report under this section if the person knows or has reasonable cause to suspect that a child is abused or neglected. The department shall follow the provisions of 41-3-212 when taking the report.

(5) (a) When a professional or official required to report under subsection (2) makes a report, the department:

(i) may share information with:

(A) that professional or official; or

(B) other individuals with whom the professional or official works in an official capacity if the individuals are part of a team that responds to matters involving the child or the person about whom the report was made and the professional or official has asked that the information be shared with the individuals; and

(ii) shall share information with the individuals listed in subsections (5)(a)(i)(A) and (5)(a)(i)(B) on specific request. Information shared pursuant to this subsection (5)(a)(ii) may be limited to the outcome of the investigation and any subsequent action that will be taken on behalf of the child who is the subject of the report.

(b) The department may provide information in accordance with 41-3-202(8) and also share information about the investigation, limited to its outcome and any subsequent action that will be taken on behalf of the child who is the subject of the report.

(c) Individuals who receive information pursuant to this subsection (5) shall maintain the confidentiality of the information as required by 41-3-205.

(6) (a) Except as provided in subsection (6)(b) or (6)(c), a person listed in subsection (2) may not refuse to make a report as required in this section on the grounds of a physician-patient or similar privilege.

(b) A member of the clergy or a priest is not required to make a report under this section if:

(i) the knowledge or suspicion of the abuse or neglect came from a statement or confession made to the member of the clergy or the priest in that person's capacity as a member of the clergy or as a priest;

(ii) the statement was intended to be a part of a confidential communication between the member of the clergy or the priest and a member of the church or congregation; and

(iii) the person who made the statement or confession does not consent to the disclosure by the member of the clergy or the priest.

(c) A member of the clergy or a priest is not required to make a report under this section if the communication is required to be confidential by canon law, church doctrine, or established church practice.

(7) The reports referred to under this section must contain:

(a) the names and addresses of the child and the child's parents or other persons responsible for the child's care;

(b) to the extent known, the child's age and the nature and extent of the child's injuries, including any evidence of previous injuries;

(c) any other information that the maker of the report believes might be helpful in establishing the cause of the injuries or showing the willful neglect and the identity of the person or persons responsible for the injury or neglect; and

(d) the facts that led the person reporting to believe that the child has suffered injury or injuries or willful neglect, within the meaning of this chapter."

Section 9. Section 41-3-202, MCA, is amended to read:

"**41-3-202. Action on reporting.** (1) (a) Upon receipt of a report that a child is or has been abused or neglected, the department shall promptly assess the information contained in the report and make a determination regarding the level of response required and the timeframe within which action must be initiated.

(b) (i) Except as provided in subsections (1)(b)(ii) and (1)(b)(iii), upon receipt of a report that includes an allegation of sexual abuse or sexual exploitation when the alleged perpetrator of the sexual abuse or sexual exploitation was 12 years of age or older or if the department determines during any investigation that the circumstances surrounding an allegation of child abuse or neglect include an allegation of sexual abuse or sexual exploitation when the alleged perpetrator of the sexual abuse or sexual exploitation was 12 years of age or older, the department shall immediately report the allegation to the county attorney of the county in which the acts that are the subject of the report occurred.

(ii) If a victim of sexual abuse or sexual exploitation has attained the age of 14 and has sought services from a contractor as described in 41-3-201(2)(j) that provides confidential services to victims of sexual assault, conditioned upon an understanding that the criminal conduct will not be reported by the department to the county attorney in the jurisdiction in which the alleged crime occurred, the department may not report pursuant to 41-3-205(5)(d) and subsection (1)(b)(i) of this section.

(iii) If the department or law enforcement determines that the allegation involves the county attorney or an employee in the county attorney's office in the county in which the acts that are subject to reporting occurred, the

department or law enforcement shall report as required in subsection (1)(b)(i) to the attorney general.

(c) If the department determines that an investigation and a safety and risk assessment are required, a child protection ~~specialist~~ *investigator* shall promptly conduct a thorough investigation into the circumstances surrounding the allegations of abuse or neglect of the child and perform a safety and risk assessment to determine whether the living arrangement presents an unsafe environment for the child. The safety and risk assessment may include an investigation at the home of the child involved, the child's school or day-care facility, or any other place where the child is present and into all other nonfinancial matters that in the discretion of the investigator are relevant to the safety and risk assessment. In conducting a safety and risk assessment under this section, a child protection ~~specialist~~ *investigator* may not inquire into the financial status of the child's family or of any other person responsible for the child's care, except as necessary to ascertain eligibility for state or federal assistance programs or to comply with the provisions of 41-3-446.

(2) An initial investigation of alleged abuse or neglect may be conducted when an anonymous report is received. However, if the initial investigation does not within 48 hours result in the development of independent, corroborative, and attributable information indicating that there exists a current risk of physical or psychological harm to the child, a child may not be removed from the living arrangement. If independent, corroborative, and attributable information indicating an ongoing risk results from the initial investigation, the department shall then conduct a safety and risk assessment.

(3) The child protection ~~specialist~~ *investigator* is responsible for conducting the safety and risk assessment. If the child is treated at a medical facility, the child protection ~~specialist~~ *investigator*, county attorney, or peace officer, consistent with reasonable medical practice, has the right of access to the child for interviews, photographs, and securing physical evidence and has the right of access to relevant hospital and medical records pertaining to the child. If an interview of the child is considered necessary, the child protection ~~specialist~~ *investigator*, county attorney, or peace officer may conduct an interview of the child. The interview may be conducted in the presence of the parent or guardian or an employee of the school or day-care facility attended by the child.

(4) Subject to 41-3-205(3), if the child's interview is audiotaped or videotaped, an unedited audiotape or videotape with audio track must be made available, upon request, for unencumbered review by the family.

(5) (a) If from the safety and risk assessment the department has reasonable cause to suspect that the child is suffering abuse or neglect, the department may provide emergency protective services to the child, pursuant to 41-3-301, or enter into a written prevention plan, pursuant to 41-3-302, and may provide protective services to any other child under the same care. The department shall:

(i) after interviewing the parent or guardian, if reasonably available, document the determinations of the safety and risk assessment; and

(ii) notify the child's family of the determinations of the safety and risk assessment, unless the notification can reasonably be expected to result in harm to the child or other person.

(b) Except as provided in subsection (5)(c), the department shall destroy all safety and risk assessment determinations and associated records, except for medical records, within 30 days after the end of the 3-year period starting from the date of completion of the safety and risk assessment.

(c) Safety and risk assessment determinations and associated records may be maintained for a reasonable time as defined by department rule under the following circumstances:

(i) the safety and risk assessment determines that abuse or neglect occurred;

(ii) there had been a previous or there is a subsequent report and investigation resulting in a safety and risk assessment concerning the same person; or

(iii) an order has been issued by a court of competent jurisdiction adjudicating the child as a youth in need of care based on the circumstances surrounding the initial allegations.

(6) The investigating child protection ~~specialist~~ *investigator*, within 60 days of commencing an investigation, shall also furnish a written safety and risk assessment to the department and, ~~upon~~ *on* request, to the family. Subject to time periods set forth in subsections (5)(b) and (5)(c), the department shall maintain a record system documenting investigations and safety and risk assessment determinations. Unless records are required to be destroyed under subsections (5)(b) and (5)(c), the department shall retain records relating to the safety and risk assessment, including case notes, correspondence, evaluations, videotapes, and interviews, for 25 years.

(7) Any person reporting abuse or neglect that involves acts or omissions on the part of a public or private residential institution, home, facility, or agency is responsible for ensuring that the report is made to the department.

(8) The department shall, upon request from any reporter of alleged child abuse or neglect, verify whether the report has been received, describe the level of response and timeframe for action that the department has assigned to the report, and confirm that it is being acted upon."

Section 10. Section 41-3-205, MCA, is amended to read:

"**41-3-205. Confidentiality -- disclosure exceptions.** (1) The case records of the department and its local affiliate, the local office of public assistance, the county attorney, and the court concerning actions taken under this chapter and all records concerning reports of child abuse and neglect must be kept confidential except as provided by this section. Except as provided in subsections (9) and (10), a person who purposely or knowingly permits or encourages the unauthorized dissemination of the contents of case records is guilty of a misdemeanor.

(2) Records may be disclosed to a court for in camera inspection if relevant to an issue before it. The court may permit public disclosure if it finds disclosure to be necessary for the fair resolution of an issue before it.

(3) Records, including case notes, correspondence, evaluations, videotapes, and interviews, unless otherwise protected by this section or unless disclosure of the records is determined to be detrimental to the child or harmful to another person who is a subject of information contained in the records, must, upon request, be disclosed to the following persons or entities in this state and any other state or country:

(a) a department, agency, or organization, including a federal agency, military enclave, or Indian tribal organization, that is legally authorized to receive, inspect, or investigate reports of child abuse or neglect and that otherwise meets the disclosure criteria contained in this section;

(b) a licensed youth care facility or a licensed child-placing agency that is providing services to the family or child who is the subject of a report in the records or to a person authorized by the department to receive relevant information for the purpose of determining the best interests of a child with respect to an adoptive placement;

(c) a health or mental health professional who is treating the family or child who is the subject of a report in the records;

(d) a parent, grandparent, aunt, uncle, brother, sister, guardian, mandatory reporter provided for in 41-3-201(2) and (5), or person designated by a parent or guardian of the child who is the subject of a report in the records or other person responsible for the child's welfare, without disclosure of the identity of any person who reported or provided information on the alleged child abuse or neglect incident contained in the records;

(e) a child named in the records who was allegedly abused or neglected or the child's legal guardian or legal representative, including the child's guardian ad litem or attorney or a special advocate appointed by the court to represent a child in a pending case;

(f) the state protection and advocacy program as authorized by 42 U.S.C. 15043(a)(2);

(g) approved foster and adoptive parents who are or may be providing care for a child;

(h) a person about whom a report has been made and that person's attorney, with respect to the relevant records pertaining to that person only and without disclosing the identity of the reporter or any other person whose safety may be endangered;

(i) an agency, including a probation or parole agency, that is legally responsible for the supervision of an alleged perpetrator of child abuse or neglect;

(j) a person, agency, or organization that is engaged in a bona fide research or evaluation project and that is authorized by the department to conduct the research or evaluation;

(k) the members of an interdisciplinary child protective team authorized under 41-3-108 or of a family engagement meeting for the purposes of assessing the needs of the child and family, formulating a treatment plan, and monitoring the plan;

(l) the coroner or medical examiner when determining the cause of death of a child;

(m) a child fatality review team recognized by the department;

(n) a department or agency investigating an applicant for a license or registration that is required to operate a youth care facility, day-care facility, or child-placing agency;

(o) a person or entity who is carrying out background, employment-related, or volunteer-related screening of current or prospective employees or volunteers who have or may have unsupervised contact with children through employment or volunteer activities. A request for information under this subsection (3)(o) must be made in writing. Disclosure under this subsection (3)(o) is limited to information that indicates a risk to children posed by the person about whom the information is sought, as determined by the department.

(p) the news media, if disclosure is limited to confirmation of factual information regarding how the case was handled and if disclosure does not violate the privacy rights of the child or the child's parent or guardian, as determined by the department;

(q) an employee of the department or other state agency if disclosure of the records is necessary for administration of programs designed to benefit the child;

(r) an agency of an Indian tribe, a qualified expert witness, or the relatives of an Indian child if disclosure of the records is necessary to meet requirements of the federal Indian Child Welfare Act ~~[or the Montana Indian Child Welfare Act provided for in Title 41, chapter 3, part 13]~~;

(s) a juvenile probation officer who is working in an official capacity with the child who is the subject of a report in the records;

(t) an attorney who is hired by or represents the department if disclosure is necessary for the investigation, defense, or prosecution of a case involving child abuse or neglect;

(u) a foster care review committee established under 41-3-115 or, when applicable, a citizen review board established under Title 41, chapter 3, part 10;

(v) a school employee participating in an interview of a child by a child protection ~~specialist~~ *investigator*, county attorney, or peace officer, as provided in 41-3-202;

(w) a member of a county or regional interdisciplinary child information and school safety team formed under the provisions of 52-2-211;

(x) members of a local interagency staffing group provided for in 52-2-203;

(y) a member of a youth placement committee formed under the provisions of 41-5-121; or

(z) a principal of a school or other employee of the school district authorized by the trustees of the district to receive the information with respect to a student of the district who is a client of the department.

(4) (a) The records described in subsection (3) must be disclosed to a member of the United States congress or a member of the Montana legislature if all of the following requirements are met:

(i) the member receives a written inquiry regarding a child and whether the laws of the United States or the state of Montana that protect children from abuse or neglect are being complied with or whether the laws need to be changed to enhance protections for children;

(ii) the member submits a written request to the department requesting to review the records relating to the written inquiry. The member's request must include a copy of the written inquiry, the name of the child whose records are to be reviewed, and any other information that will assist the department in locating the records.

(iii) before reviewing the records, the member:

(A) signs a form that outlines the state and federal laws regarding confidentiality and the penalties for unauthorized release of the information; and

(B) receives from the department an orientation of the content and structure of the records. The orientation must include a checklist of documents that are regularly included in records, including but not limited to the following:

(I) any petition filed pursuant to Title 41, chapter 3, part 4, including any supporting affidavits and evidence;

(II) any court orders issued pursuant to Title 41, chapter 3, parts 4 and 6;

(III) notes from family engagement meetings and foster care review meetings; and

(IV) notes included in electronic case records or in case files maintained in local offices regarding staffing and interactions with parents or legal guardians, providers, or attorneys.

(b) (i) Without disclosing the identity of a person who reported the alleged child abuse or neglect, the department shall make available to the member all records concerning the child who is the subject of the written inquiry.

(ii) Except as provided in subsection (4)(b)(iii), records disclosed pursuant to this subsection (4) are confidential, may not be copied, photographed, or otherwise replicated by the member, and must remain solely in the department's possession. The member must be allowed to view the records in the local office where the case is or was active.

(iii) A member may take notes to discuss the records with a parent or legal guardian about whom a report of alleged child abuse or neglect is made.

(c) Access to records requested pursuant to this subsection (4) is limited to 6 months from the date the written request to review records was received by the department.

(5) (a) The records described in subsection (3) must be promptly released to any of the following individuals upon a written request by the individual to the department or the department's designee:

(i) the attorney general;

(ii) a county attorney or deputy county attorney of the county in which the alleged abuse or neglect occurred;

(iii) a peace officer, as defined in 45-2-101, in the jurisdiction in which the alleged abuse or neglect occurred; or

(iv) the office of the child and family ombudsman.

(b) The records described in subsection (3) must be promptly disclosed by the department to an appropriate individual described in subsection (5)(a) or to a county or regional interdisciplinary child information and school safety team established pursuant to 52-2-211 upon the department's receipt of a report indicating that any of the following has occurred:

(i) the death of the child as a result of child abuse or neglect;

(ii) a sexual offense, as defined in 46-23-502, against the child;

(iii) exposure of the child to an actual and not a simulated violent offense as defined in 46-23-502; or

(iv) child abuse or neglect, as defined in 41-3-102, due to exposure of the child to circumstances constituting the criminal manufacture or distribution of dangerous drugs.

(c) (i) The department shall promptly disclose the results of an investigation to an individual described in subsection (5)(a) or to a county or regional interdisciplinary child information and school safety team established pursuant to 52-2-211 upon the determination that:

(A) there is reasonable cause to suspect that a child has been exposed to a Schedule I or Schedule II drug whose manufacture, sale, or possession is prohibited under state law; or

(B) a child has been exposed to drug paraphernalia used for the manufacture, sale, or possession of a Schedule I or Schedule II drug that is prohibited by state law.

(ii) For the purposes of this subsection (5)(c), exposure occurs when a child is caused or permitted to inhale, have contact with, or ingest a Schedule I or Schedule II drug that is prohibited by state law or have contact with drug paraphernalia as defined in 45-10-101.

(d) (i) Except as provided in subsection (5)(d)(ii), the records described in subsection (3) must be released within 5 business days to the county attorney of the county in which the acts that are the subject of a report occurred upon the department's receipt of a report that includes an allegation of sexual abuse or sexual exploitation. The department shall also report to any other appropriate individual described in subsection (5)(a) and to a county or regional interdisciplinary child information and school safety team established pursuant to 52-2-211.

(ii) If the exception in 41-3-202(1)(b) applies, a contractor described in 41-3-201(2)(j) that provides confidential services to victims of sexual assault shall report to the department as provided in this part without disclosing the names of the victim and the alleged perpetrator of sexual abuse or sexual exploitation.

(iii) When a contractor described in 41-3-201(2)(j) that provides confidential services to victims of sexual assault provides services to youth over the age of 13 who are victims of sexual abuse and sexual exploitation, the contractor may not dissuade or obstruct a victim from reporting the criminal activity and, upon a request by the victim, shall facilitate disclosure to the county attorney and a law enforcement officer as described in Title 7, chapter 32, in the jurisdiction where the alleged abuse occurred.

(6) A school or school district may disclose, without consent, personally identifiable information from the education records of a pupil to the department, the court, a review board, and the child's assigned attorney, guardian ad litem, or special advocate.

(7) Information that identifies a person as a participant in or recipient of substance abuse treatment services may be disclosed only as allowed by federal substance abuse confidentiality laws, including the consent provisions of the law.

(8) The confidentiality provisions of this section must be construed to allow a court of this state to share information with other courts of this state or of another state when necessary to expedite the interstate placement of children.

(9) A person who is authorized to receive records under this section shall maintain the confidentiality of the records and may not disclose information in the records to anyone other than the persons described in subsections (3)(a), (4)(b)(iii), and (5). However, this subsection may not be construed to compel a family member to keep the proceedings confidential.

(10) A news organization or its employee, including a freelance writer or reporter, is not liable for reporting facts or statements made by an immediate family member under subsection (9) if the news organization, employee, writer, or reporter maintains the confidentiality of the child who is the subject of the proceeding.

(11) This section is not intended to affect the confidentiality of criminal court records, records of law enforcement agencies, or medical records covered by state or federal disclosure limitations.

(12) Copies of records, evaluations, reports, or other evidence obtained or generated pursuant to this section that are provided to the parent, grandparent, aunt, uncle, brother, sister, guardian, or parent's or guardian's attorney must be provided without cost. ~~(Bracketed language in subsection (3)(r) terminates June 30, 2025--sec. 55, Ch. 716, L. 2023.)~~"

Section 11. Section 41-3-216, MCA, is amended to read:

"**41-3-216. Provision of information about investigation procedure and rights to parents.** (1) On removal of a child, the department shall verbally advise the parent, guardian, or other person having physical or legal custody of a child:

(a) of the specific complaint or allegation made against the parent, guardian, or other person having physical or legal custody of a child;

(b) of the fundamental rights of parents under 40-6-701 and 40-4-227 to direct the upbringing, education, health care, and mental health of their children without government interference, but this right should yield to the best interests of the child when the parent's conduct is contrary to the child-parent relationship;

(c) of the right to seek counsel at any time and to consult with counsel before signing any documents; and

(d) that the parent, guardian, or other person having physical or legal custody of a child:

(i) is not required to permit an investigator from the department to enter the home or submit to a drug or alcohol test, unless ordered to do so by the court;

(ii) is not required to speak with the investigator and any statements may be used in an administrative or court proceeding; and

(iii) may record any interactions with a department employee if the parent, guardian, or other person having physical or legal custody of a child informs the department employee that the interaction is being recorded.

(2) During initial interactions with the parent, guardian, or other person having physical or legal custody of a child who is the subject of an investigation under 41-3-202, the department shall provide the parent, guardian, or other person having physical or legal custody of a child with a clear written description:

(a) of the right to seek counsel at any time and to consult with counsel before signing any documents;

(b) that the parent, guardian, or other person having physical or legal custody of a child is not required to permit an investigator from the department to enter the home or submit to a drug or alcohol test, unless ordered to do so by the court;

(c) that the parent, guardian, or other person having physical or legal custody of a child is not required to speak with the investigator and any statements may be used in an administrative or court proceeding;

(d) of the right of the parent, guardian, or other person having physical or legal custody of a child to:

(i) be treated with dignity and respect without any form of discrimination; and

(ii) have the parent's, guardian's, or other person's culture, language, and religion respected; and

(e) of the department's procedures for conducting an investigation of alleged child abuse or neglect.

(3) If applicable after initial contact, the department shall provide the parent, guardian, or other person having physical or legal custody of a child with a concise written description of:

(a) the circumstances under which the department would seek to enter into a written prevention plan or services agreement with the parent or guardian under 41-3-302;

(b) the circumstances under which the department would remove the child from the home and seek a court order for immediate protection and emergency protective services under 41-3-427;

(c) an explanation of when the law requires the department to refer a report of alleged child abuse or neglect to a law enforcement agency for a separate determination of whether a criminal violation occurred;

(d) the right to withhold consent to release the parent's, guardian's, or other person's medical or mental health records unless ordered to do so by a court; and

(e) the right to accommodations under the Americans with Disabilities Act of 1990, 42 U.S.C. 12101, et seq.

(4) When the parent, guardian, or other person having physical or legal custody of a child requests to file a complaint, the department shall provide the parent, guardian, or person having physical or legal custody:

(a) the procedures to file a complaint with the department and the child and family ombudsman;

(b) the procedure for the department to disclose records to a member of the United States congress or a member of the Montana legislature under 41-3-205(4); and

(c) the process for reviewing the department's records of the investigation.

(5) When the court approves emergency protective services, the office of public defender shall provide the parent, guardian, or other person having physical or legal custody of a child:

(a) timelines for hearings and determinations under this chapter; and

(b) an explanation that a parent, guardian, or other person having physical or legal custody of a child has the right to:

(i) receive a copy of the affidavit of the child protection ~~specialist~~ *investigator* regarding the circumstances of the emergency removal as provided under 41-3-301;

(ii) attend and participate in hearings, which includes providing a statement to the judge;

(iii) contest the allegations in a petition filed under 41-3-422;

(iv) call witnesses and cross-examine witnesses;

(v) have a support person or persons present during any meeting with a child protection ~~specialist~~ *investigator* or other department staff;

(vi) request that the child be placed in a kinship foster home as defined in 52-2-602; and

(vii) be provided with services, including visitation with the child, unless otherwise ordered by the court.

(6) Except for the information provided in subsection (1)(a), the department shall post the information required to be given to a parent, guardian, or other person having physical or legal custody of a child on a publicly available website and in a conspicuous place in the publicly accessible area of the office of a child protection ~~specialist~~ *investigator and a child reunification specialist*."

Section 12. Section 41-3-301, MCA, is amended to read:

"**41-3-301. Emergency protective services.** (1) (a) Any child protection ~~specialist~~ *investigator* of the department, a peace officer, or the county attorney who has reason to believe any child is in immediate or apparent danger of harm may immediately remove the child and place the child in a protective facility. After ensuring that the child is safe, the department may make a request for further assistance from the law enforcement agency or take appropriate legal action.

(b) The person or agency placing the child shall notify the parents, parent, guardian, or other person having physical or legal custody of the child of the placement at the time the placement is made or as soon after placement as possible. Notification under this subsection (1)(b) must:

(i) include the reason for removal;

(ii) include information regarding the emergency protective services hearing within 5 days under 41-3-306, the required show cause hearing within 20 days, and the purpose of the hearings;

(iii) provide contact information for the child protection ~~specialist~~ *investigator*, the child protection ~~specialist's~~ *investigator's* supervisor, *the child reunification specialist,* and the office of state public defender; and

(iv) advise the parents, parent, guardian, or other person having physical or legal custody of the child that the parents, parent, guardian, or other person:

(A) has the right to receive a copy of the affidavit as provided in subsection (6);

(B) has the right to attend and participate in the emergency protective services hearing and the show cause hearing, including providing statements to the judge;

(C) may have a support person present during any meeting with the child protection ~~specialist~~ *investigator* concerning emergency protective services, including the emergency protective services hearing provided for in 41-3-306; and

(D) may request that the child be placed in a kinship foster home as defined in 52-2-602.

(c) A copy of the notification required under subsection (1)(b) must be provided within 24 hours to the office of state public defender.

(2) If a child protection ~~specialist~~ *investigator*, a peace officer, or the county attorney determines in an investigation of abuse or neglect of a child that the child is in danger because of the occurrence of partner or family member assault, as provided for in 45-5-206, or strangulation of a partner or family member, as provided for in 45-5-215, against an adult member of the household or that the child needs protection as a result of the occurrence of partner or family member assault or strangulation of a partner or family member against an adult member of the household, the department shall take appropriate steps for the protection of the child, which may include:

(a) making reasonable efforts to protect the child and prevent the removal of the child from the parent or guardian who is a victim of alleged partner or family member assault or strangulation of a partner or family member;

(b) making reasonable efforts to remove the person who allegedly committed the partner or family member assault or strangulation of a partner or family member from the child's residence if it is determined that the child or another family or household member is in danger of partner or family member assault or strangulation of a partner or family member; and

(c) providing services to help protect the child from being placed with or having unsupervised visitation with the person alleged to have committed partner or family member assault or strangulation of a partner or family member until the department determines that the alleged offender has met conditions considered necessary to protect the safety of the child.

(3) If the department determines that an adult member of the household is the victim of partner or family member assault or strangulation of a partner or family member, the department shall provide the adult victim with a referral to a domestic violence program.

(4) A child who has been removed from the child's home or any other place for the child's protection or care may not be placed in a jail.

(5) The department may locate and contact extended family members upon placement of a child in out-of-home care. The department may share information with extended family members for placement and case planning purposes.

(6) If a child is removed from the child's home by the department, a child protection ~~specialist~~ *investigator* shall submit an affidavit regarding the circumstances of the emergency removal to the county attorney and provide a copy of the affidavit to the office of state public defender and, if possible, the parents or guardian within 2 working days of the emergency removal. An abuse and neglect petition must be filed in accordance with 41-3-422 within 5 working days, excluding weekends and holidays, of the emergency removal of a child unless arrangements acceptable to the agency for the care of the child have been made by the parents or a written prevention plan has been entered into pursuant to 41-3-302.

(7) Except as provided in the federal Indian Child Welfare Act ~~[or the Montana Indian Child Welfare Act provided for in Title 41, chapter 3, part 13]~~, if applicable, a show cause hearing must be held within 20 days of the filing of the petition unless otherwise stipulated by the parties pursuant to 41-3-434.

(8) If the department determines that a petition for immediate protection and emergency protective services must be filed to protect the safety of the child, the child protection ~~specialist~~ *investigator* shall interview the parents of the child to whom the petition pertains, if the parents are reasonably available, before the petition may be filed. The district court may immediately issue an order for immediate protection of the child.

(9) The department shall make the necessary arrangements for the child's well-being as are required prior to the court hearing. ~~(Bracketed language in subsection (7) terminates June 30, 2025--sec. 55, Ch. 716, L. 2023.)~~"

Section 13. Section 41-3-307, MCA, is amended to read:

"**41-3-307. Availability of prehearing conferences.** (1) The parents, parent, guardian, or other person having physical or legal custody of a child who has been removed from the home pursuant to 41-3-301 may participate in a conference within 5 days of the child's removal and before an emergency protective services hearing held by the court pursuant to 41-3-306.

(2) A prehearing conference must include the following parties:

(a) the parents, parent, guardian, or other person having physical or legal custody of the child;

(b) the person's legal counsel;

(c) the county attorney's office; ~~and~~

(d) ~~a department social worker~~ *the child protection investigator; and*

(e) the child reunification specialist.

(3) To the greatest degree possible using available funding, the meetings must be conducted by an independent and trained facilitator.

(4) At a minimum, the meetings must involve discussion of:

(a) the child's current placement and options for continued placement if the child remains out of the home;

(b) whether other options exist for an in-home safety plan or resource that may allow the child to remain in the home;

(c) parenting time schedules; and

(d) treatment services for the family."

Section 14. Section 41-3-427, MCA, is amended to read:

"~~**41-3-427. (Temporary) Petition for immediate protection and emergency protective services -- evidence and consideration of harm of removal -- order -- service.**~~ ~~(1) (a) In a case in which it appears that a child is abused or neglected or is in danger of being abused or neglected, the county attorney, the attorney general, or an attorney hired by the county may file a petition for immediate protection and emergency protective services. In implementing the policy of this section, the child's health and safety are of paramount concern.~~

~~(b) A petition for immediate protection and emergency protective services must state the specific authority requested and must be supported by an affidavit signed by a representative of the department stating in detail the alleged facts upon which the request is based and the facts establishing probable cause or, if the case is subject to the federal Indian Child Welfare Act or the Montana Indian Child Welfare Act provided for in Title 41, chapter 3, part 13, clear and convincing evidence that a child is abused or neglected or is in danger of being abused or neglected.~~

~~(c) The affidavit of the department representative must contain:~~

~~(i) information, if any, regarding statements made by the parents about the facts of the case; and~~

~~(ii) specific, written documentation as to why the risk of allowing the child to remain at home substantially outweighs the harm of removing the child, including consideration of:~~

~~(A) the emotional trauma the child is likely to experience if separated from the family;~~

~~(B) the child's relationships with other members of the household, including siblings;~~

~~(C) the child's schooling and social relationships that could be disrupted with a placement out of the neighborhood;~~

~~(D) the impact the removal would have on services the child is receiving and on extracurricular activities that benefit the child; and~~

~~(E) documentation of reasonable efforts made to keep the family intact.~~

~~(d) If from the alleged facts presented in the affidavit it appears to the court that there is probable cause or, if the case is subject to the federal Indian Child Welfare Act or the Montana Indian Child Welfare Act, clear and convincing evidence to believe that the child has been abused or neglected or is in danger of being abused and neglected, the judge shall grant emergency protective services and the relief authorized by subsection (2) until the adjudication hearing or the temporary investigative hearing. If it appears from the alleged facts contained in the affidavit that there is insufficient probable cause or, if the case is subject to the federal Indian Child Welfare Act or the Montana Indian Child Welfare Act, clear and convincing evidence to believe that the child has been abused or neglected or is in danger of being abused or neglected, the court shall dismiss the petition.~~

~~(e) If the parents, parent, guardian, person having physical or legal custody of the child, or attorney for the child disputes the material issues of fact contained in the affidavit or the veracity of the affidavit, the person may request a contested show cause hearing pursuant to 41-3-432 within 10 days following service of the petition and affidavit.~~

~~(f) The petition for immediate protection and emergency protective services must include a notice advising the parents, parent, guardian, or other person having physical or legal custody of the child that the parents, parent, guardian, or other person having physical or legal custody of the child may have a support person present during any meeting with a child protection specialist concerning emergency protective services. Reasonable accommodation must be made in scheduling an in-person meeting with the child protection specialist.~~

~~(2) Pursuant to subsection (1), if the court finds probable cause or, if the case is subject to the federal Indian Child Welfare Act or the Montana Indian Child Welfare Act, clear and convincing evidence based on the petition and affidavit, the court may issue an order for immediate protection of the child. The court shall consider the parents' statements, if any, included with the petition and any accompanying affidavit or report to the court. If the court finds probable cause or, if the case is subject to the federal Indian Child Welfare Act or the Montana Indian Child Welfare Act, clear and convincing evidence, the court may issue an order granting the following forms of relief, which do not constitute a court-ordered treatment plan under 41-3-443:~~

~~(a) the right of entry by a peace officer or department worker;~~

~~(b) the right to place the child in temporary medical or out-of-home care, including but not limited to care provided by a noncustodial parent, kinship or foster family, group home, or institution;~~

~~(c) the right of the department to locate, contact, and share information with any extended family members who may be considered as placement options for the child;~~

~~(d) a requirement that the parents, guardian, or other person having physical or legal custody furnish information that the court may designate and obtain evaluations that may be necessary to determine whether a child is a youth in need of care;~~

~~(e) a requirement that the perpetrator of the alleged child abuse or neglect be removed from the home to allow the child to remain in the home;~~

~~(f) a requirement that the parent provide the department with the name and address of the other parent, if known, unless parental rights to the child have been terminated;~~

~~(g) a requirement that the parent provide the department with the names and addresses of extended family members who may be considered as placement options for the child who is the subject of the proceeding; and~~

~~(h) any other temporary disposition that may be required in the best interests of the child that does not require an expenditure of money by the department unless the court finds after notice and a hearing that the expenditure is reasonable and that resources are available for payment. The department is the payor of last resort after all family, insurance, and other resources have been examined.~~

~~(3) When requesting emergency protective services under this section, the department shall provide the court with information on:~~

~~(a) whether a kinship placement is available; or~~

~~(b) if a family foster home has been identified:~~

~~(i) where the foster home is located in relation to the child's home;~~

~~(ii) whether the foster placement can accommodate the proposed visitation schedule;~~

~~(iii) whether siblings can be placed together;~~

~~(iv) the proximity of the foster home to the child's home and school;~~

~~(v) whether the child will be able to observe religious or cultural practices important to the child; and~~

~~(vi) whether the foster home is able to accommodate any special needs the child may have.~~

~~(4) In making a removal determination, the court shall weigh and evaluate, in the factual setting, the harm to the child that will result from removal and determine if allowing the child to remain in the home substantially outweighs the harm of removal. Factors for consideration of the best interests of the child include but are not limited to:~~

~~(a) the factors identified in subsections (1)(c)(ii)(A) through (1)(c)(ii)(D); and~~

~~(b) whether the department made reasonable efforts, as described in subsection (1)(c)(ii)(E), to keep the family intact.~~

~~(5) (a) An order for removal of a child from the home must include a finding that:~~

~~(i) continued residence of the child with the parent is contrary to the welfare of the child;~~

~~(ii) an out-of-home placement is in the best interests of the child; and~~

~~(iii) the risk of allowing the child to remain in the home substantially outweighs the harm of removal.~~

~~(b) The court shall provide written findings to explain why the risk of the child's continued stay in the home outweighs the harm of removing the child.~~

~~(6) The order for immediate protection of the child must require the person served to comply immediately with the terms of the order and to appear before the court issuing the order on the date specified for a show cause hearing. Upon a failure to comply or show cause, the court may hold the person in contempt or place temporary physical custody of the child with the department until further order.~~

~~(7) The petition must be served as provided in 41-3-422 or, if the case involves an Indian child, as provided in 41-3-1311. (Terminates June 30, 2025--sec. 55, Ch. 716, L. 2023.)~~

41-3-427. ~~(Effective July 1, 2025)~~ Petition for immediate protection and emergency protective services -- evidence and consideration of harm of removal -- order -- service. (1) (a) In a case in which it appears that a child is abused or neglected or is in danger of being abused or neglected, the county attorney, the attorney general, or an attorney hired by the county may file a petition for immediate protection and emergency protective services. In implementing the policy of this section, the child's health and safety are of paramount concern.

(b) A petition for immediate protection and emergency protective services must state the specific authority requested and must be supported by an affidavit signed by a representative of the department stating in detail the alleged facts upon which the request is based and the facts establishing probable cause or, if the case is subject to the federal Indian Child Welfare Act, clear and convincing evidence that a child is abused or neglected or is in danger of being abused or neglected.

(c) The affidavit of the department representative must contain:

(i) information, if any, regarding statements made by the parents about the facts of the case; and

(ii) specific, written documentation as to why the risk of allowing the child to remain at home substantially outweighs the harm of removing the child, including consideration of:

(A) the emotional trauma the child is likely to experience if separated from the family;

(B) the child's relationships with other members of the household, including siblings;

(C) the child's schooling and social relationships that could be disrupted with a placement out of the neighborhood;

(D) the impact the removal would have on services the child is receiving and on extracurricular activities that benefit the child; and

(E) documentation of reasonable efforts made to keep the family intact.

(d) If from the alleged facts presented in the affidavit it appears to the court that there is probable cause or, if the case is subject to the federal Indian Child Welfare Act, clear and convincing evidence to believe that the child has been abused or neglected or is in danger of being abused and neglected, the judge shall grant emergency protective services and the relief authorized by subsection (2) until the adjudication hearing or the temporary investigative hearing. If it appears from the alleged facts contained in the affidavit that there is insufficient probable cause or, if the case is subject to the federal Indian Child Welfare Act, clear and convincing evidence to believe that the child has been abused or neglected or is in danger of being abused or neglected, the court shall dismiss the petition.

(e) If the parents, parent, guardian, person having physical or legal custody of the child, or attorney for the child disputes the material issues of fact contained in the affidavit or the veracity of the affidavit, the person may request a contested show cause hearing pursuant to 41-3-432 within 10 days following service of the petition and affidavit.

(f) The petition for immediate protection and emergency protective services must include a notice advising the parents, parent, guardian, or other person having physical or legal custody of the child that the parents, parent, guardian, or other person having physical or legal custody of the child may have a support person present during any meeting with a child protection ~~specialist~~ *investigator or a child reunification specialist* concerning emergency protective services. Reasonable accommodation must be made in scheduling

an in-person meeting with the child protection ~~specialist~~ *investigator and the child reunification specialist*.

(2) Pursuant to subsection (1), if the court finds probable cause or, if the case is subject to the federal Indian Child Welfare Act, clear and convincing evidence based on the petition and affidavit, the court may issue an order for immediate protection of the child. The court shall consider the parents' statements, if any, included with the petition and any accompanying affidavit or report to the court. If the court finds probable cause or, if the case is subject to the federal Indian Child Welfare Act, clear and convincing evidence, the court may issue an order granting the following forms of relief, which do not constitute a court-ordered treatment plan under 41-3-443:

(a) the right of entry by a peace officer or department worker;

(b) the right to place the child in temporary medical or out-of-home care, including but not limited to care provided by a noncustodial parent, kinship or foster family, group home, or institution;

(c) the right of the department to locate, contact, and share information with any extended family members who may be considered as placement options for the child;

(d) a requirement that the parents, guardian, or other person having physical or legal custody furnish information that the court may designate and obtain evaluations that may be necessary to determine whether a child is a youth in need of care;

(e) a requirement that the perpetrator of the alleged child abuse or neglect be removed from the home to allow the child to remain in the home;

(f) a requirement that the parent provide the department with the name and address of the other parent, if known, unless parental rights to the child have been terminated;

(g) a requirement that the parent provide the department with the names and addresses of extended family members who may be considered as placement options for the child who is the subject of the proceeding; and

(h) any other temporary disposition that may be required in the best interests of the child that does not require an expenditure of money by the department unless the court finds after notice and a hearing that the expenditure is reasonable and that resources are available for payment. The department is the payor of last resort after all family, insurance, and other resources have been examined.

(3) When requesting emergency protective services under this section, the department shall provide the court with information on:

(a) whether a kinship placement is available; or

(b) if a family foster home has been identified:

(i) where the foster home is located in relation to the child's home;

(ii) whether the foster placement can accommodate the proposed visitation schedule;

(iii) whether siblings can be placed together;

(iv) the proximity of the foster home to the child's home and school;

(v) whether the child will be able to observe religious or cultural practices important to the child; and

(vi) whether the foster home is able to accommodate any special needs the child may have.

(4) In making a removal determination, the court shall weigh and evaluate, in the factual setting, the harm to the child that will result from removal and determine if allowing the child to remain in the home substantially outweighs the harm of removal. Factors for consideration of the best interests of the child include but are not limited to:

(a) the factors identified in subsections (1)(c)(ii)(A) through (1)(c)(ii)(D); and

(b) whether the department made reasonable efforts, as described in subsection (1)(c)(ii)(E), to keep the family intact.

(5) (a) An order for removal of a child from the home must include a finding that:

(i) continued residence of the child with the parent is contrary to the welfare of the child;

(ii) an out-of-home placement is in the best interests of the child; and

(iii) the risk of allowing the child to remain in the home substantially outweighs the harm of removal.

(b) The court shall provide written findings to explain why the risk of the child's continued stay in the home outweighs the harm of removing the child.

(6) The order for immediate protection of the child must require the person served to comply immediately with the terms of the order and to appear before the court issuing the order on the date specified for a show cause hearing. Upon a failure to comply or show cause, the court may hold the person in contempt or place temporary physical custody of the child with the department until further order.

(7) The petition must be served as provided in 41-3-422."

Section 15. Section 41-3-445, MCA, is amended to read:

"**41-3-445. Permanency hearing.** (1) (a) (i) Subject to subsection (1)(b), a permanency hearing must be held by the court or, subject to the approval of the court and absent an objection by a party to the proceeding, by the foster care review committee, as provided in 41-3-115, or the citizen review board, as provided in 41-3-1010:

(A) within 30 days of a determination that reasonable efforts to provide preservation or reunification services are not necessary under 41-3-423, 41-3-438(6), or 41-3-442(1); or

(B) no later than 12 months after the initial court finding that the child has been subjected to abuse or neglect or 12 months after the child's first 60 days of removal from the home, whichever comes first.

(ii) Within 12 months of a hearing under subsection (1)(a)(i)(B) and every 12 months thereafter until the child is permanently placed in either an adoptive or a guardianship placement, the court or the court-approved entity holding the permanency hearing shall conduct a hearing and the court shall issue a finding as to whether the department has made reasonable efforts to finalize the permanency plan for the child.

(b) A permanency hearing is not required if the proceeding has been dismissed, the child was not removed from the home, the child has been returned to the child's parent or guardian, or the child has been legally adopted or appointed a legal guardian.

(c) The permanency hearing may be combined with a hearing that is required in other sections of this part or with a review held pursuant to 41-3-115 or 41-3-1010 if held within the applicable time limits. If a permanency hearing is combined with another hearing or a review, the requirements of the court related to the disposition of the other hearing or review must be met in addition to the requirements of this section.

(d) The court-approved entity conducting the permanency hearing may elect to hold joint or separate reviews for groups of siblings, but the court shall issue specific findings for each child.

(2) At least 3 working days prior to the permanency hearing, the department shall submit a report regarding the child to the entity that will be conducting the hearing for review. The report must address the department's efforts to effectuate the permanency plan for the child, address the options for the child's

permanent placement, examine the reasons for excluding higher priority options, and set forth the proposed plan to carry out the placement decision, including specific times for achieving the plan.

(3) At least 3 working days prior to the permanency hearing, the guardian ad litem or an attorney or advocate for a parent or guardian may submit an informational report to the entity that will be conducting the hearing for review.

(4) In a permanency hearing, the court or other entity conducting the hearing shall consult, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child.

(5) (a) The court's order must be issued within 20 days after the permanency hearing if the hearing was conducted by the court.

(b) If an entity other than the court conducts the hearing, the entity shall keep minutes of the hearing and the minutes and written recommendations must be provided to the court within 20 days of the hearing.

(c) If an entity other than the court conducts the hearing and the court concurs with the recommendations, the court may adopt the recommendations as findings with no additional hearing required. In this case, the court shall issue written findings within 10 days of receipt of the written recommendations.

(6) The court shall approve a specific permanency plan for the child and make written findings on:

(a) whether the child has been asked about the desired permanency outcome;

(b) whether the permanency plan is in the best interests of the child;

(c) whether the department has made reasonable efforts to effectuate the permanency plan for the individual child;

(d) whether the department has made reasonable efforts to finalize the plan;

(e) whether there are compelling reasons why it is not in the best interest of the individual child to:

(i) return to the child's home; or

(ii) be placed for adoption, with a legal guardian, or with a fit and willing relative; and

(f) other necessary steps that the department is required to take to effectuate the terms of the plan.

(7) In its discretion, the court may enter any other order that it determines to be in the best interests of the child that does not conflict with the options provided in subsection (8) and that does not require an expenditure of money by the department unless the court finds after notice and a hearing that the expenditures are reasonable and that resources are available for payment. The department is the payor of last resort after all family, insurance, and other resources have been examined.

(8) Permanency options include:

(a) reunification of the child with the child's parent or guardian;

(b) permanent placement of the child with the noncustodial parent, superseding any existing custodial order;

(c) adoption;

(d) appointment of a guardian pursuant to 41-3-444; or

(e) long-term custody if the child is in a planned permanent living arrangement and if it is established by a preponderance of the evidence, which is reflected in specific findings by the court, that:

(i) the child is being cared for by a fit and willing relative;

(ii) the child has an emotional or mental handicap that is so severe that the child cannot function in a family setting and the best interests of the child are served by placement in a residential or group setting;

(iii) the child is at least 16 years of age and is participating in an independent living program and that termination of parental rights is not in the best interests of the child;

(iv) the child's parent is incarcerated and circumstances, including placement of the child and continued, frequent contact with the parent, indicate that it would not be in the best interests of the child to terminate parental rights of that parent; or

(v) the child meets the following criteria:

(A) the child has been adjudicated a youth in need of care;

(B) the department has made reasonable efforts to reunite the parent and child, further efforts by the department would likely be unproductive, and reunification of the child with the parent or guardian would be contrary to the best interests of the child;

(C) there is a judicial finding that other more permanent placement options for the child have been considered and found to be inappropriate or not to be in the best interests of the child; and

(D) the child has been in a placement in which the foster parent or relative has committed to the long-term care and to a relationship with the child, and it is in the best interests of the child to remain in that placement.

(9) For a child 14 years of age or older, the permanency plan must:

(a) be developed in consultation with the child and in consultation with up to two members of the child's case planning team who are chosen by the child and who are not a foster parent ~~or~~, child protection ~~specialist~~ *investigator, or child reunification specialist* for the child;

(b) identify one person from the case management team, who is selected by the child, to be designated as the child's advisor and advocate for the application of the reasonable and prudent parenting standard; and

(c) include services that will be needed to transition the child from foster care to adulthood.

(10) A permanency hearing must document the intensive, ongoing, and unsuccessful efforts made by the department to return the child to the child's home or to secure a permanent placement of the child with a relative, legal guardian, or adoptive parent.

(11) The court may terminate a planned permanent living arrangement upon petition of the birth parents or the department if the court finds that the circumstances of the child or family have substantially changed and the best interests of the child are no longer being served."

Section 16. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 41, chapter 3, part 1, and the provisions of Title 41, chapter 3, part 1, apply to [section 1].

Section 17. Effective date. [This act] is effective July 1, 2025.

Approved April 16, 2025

CHAPTER NO. 154

[SB 175]

AN ACT REVISING THE PROCEDURE FOR A BOARD OF COUNTY COMMISSIONERS TO ADOPT OR AMEND ZONING REGULATIONS; REQUIRING THAT A PUBLIC MEETING BE NOTICED AND HELD BEFORE

A BOARD OF COUNTY COMMISSIONERS MAY ADOPT A RESOLUTION TO AMEND A ZONING REGULATION; AND AMENDING SECTION 76-2-205, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 76-2-205, MCA, is amended to read:

"**76-2-205. Procedure for adoption *and amendment* of regulations and boundaries.** *(1)* The board of county commissioners shall observe the ~~following~~ procedures ~~in the establishment or revision of~~ *described in subsections (2) through (8) when establishing or revising* boundaries for zoning districts and ~~in the adoption or amendment of~~ *when adopting or amending* zoning regulations~~:~~.

~~(1)~~*(2) (a)* Notice of a public hearing on the proposed zoning district boundaries and of regulations for the zoning district must *state*:

~~(a) state~~:

(i) the boundaries of the proposed district;

(ii) the general character of the proposed zoning regulations;

(iii) the time and place of the public hearing; *and*

(iv) that the proposed zoning regulations are on file for public inspection at the office of the county clerk and recorder~~;~~.

(b) *The notice must* be*:*

(i) posted not less than 45 days before the public hearing in at least five public places, including but not limited to public buildings and adjacent to public rights-of-way, within the proposed district; and

~~(c)~~*(ii)* ~~be~~ published once a week for 2 weeks in a newspaper of general circulation within the county.

~~(2)~~*(3)* At the public hearing, the board of county commissioners shall give the public an opportunity to be heard regarding the proposed zoning district and regulations.

~~(3)~~*(4)* After the public hearing, the board of county commissioners shall review the proposals of the planning board and shall make any revisions or amendments that it determines to be proper.

~~(4)~~*(5)* The board of county commissioners may pass a resolution of intention to create a zoning district and to adopt zoning regulations for the district.

~~(5)~~*(6)* The board of county commissioners shall publish notice of passage of the resolution of intention once a week for 2 weeks in a newspaper of general circulation within the county. The notice must state:

(a) the boundaries of the proposed district;

(b) the general character of the proposed zoning regulations;

(c) that the proposed zoning regulations are on file for public inspection at the office of the county clerk and recorder; *and*

(d) that for 30 days after first publication of this notice, the board of county commissioners will receive written comments on the creation of the zoning district or to the zoning regulations from persons owning real property within the district whose names appear on the last-completed assessment roll of the county.

~~(6)~~*(7)* Within 30 days after the expiration of the comment period, the board of county commissioners may in its discretion adopt the resolution creating the zoning district or establishing the zoning regulations for the district.

(8)(a) When amending a zoning regulation, the board of county commissioners shall provide notice of a public hearing on the proposed amendment to the zoning regulation.

(b) The notice must state:

(i) a general description of the changes to the regulation;

(ii) the time and place of the public hearing; and

(iii) that the original zoning regulation and any proposed amendments to the original zoning regulation are on file for public inspection at the office of the county clerk and recorder.

(c) The notice must be:

(i) posted not less than 15 days before the public hearing; and

(ii) published once a week for 2 weeks in a newspaper of general circulation within the county.

(d) The board of county commissioners may adopt a resolution amending the zoning regulation after the public hearing."

Approved April 16, 2025

CHAPTER NO. 155

[SB 132]

AN ACT CREATING SEPARATE CRIMES FOR MINOR IN POSSESSION OR UNLAWFUL ATTEMPT TO PURCHASE ALCOHOL, MARIJUANA, OR OTHER INTOXICATING SUBSTANCES; PROVIDING DEFINITIONS; AND AMENDING SECTIONS 16-3-301, 16-3-323, 16-6-314, 16-12-106, AND 45-5-624, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Possession of or unlawful attempt to purchase alcoholic beverage -- interference with court order. (1) A person under 21 years of age commits the offense of possession of an alcoholic beverage if the person knowingly consumes, uses, has in the person's possession, or delivers or distributes without consideration an alcoholic beverage. A person may not be arrested for or charged with the offense solely because the person was at a place where other persons were possessing or consuming alcoholic beverages. A person does not commit the offense if the person consumes or gains possession of an alcoholic beverage because it was lawfully supplied to the person under 16-6-305 or when in the course of employment it is necessary to possess alcoholic beverages.

(2) (a) In addition to a disposition by the youth court under 41-5-1512, a person under 18 years of age who is convicted under this section:

(i) for a first offense:

(A) shall be fined an amount not less than $100 and not to exceed $300;

(B) shall be ordered to perform 20 hours of community service;

(C) shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (8), if one is available; and

(D) if the person has a driver's license, must have the license confiscated by the court for 30 days, except as provided in subsection (2)(b);

(ii) for a second offense:

(A) shall be fined an amount not less than $200 and not to exceed $600;

(B) shall be ordered to perform 40 hours of community service;

(C) shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (8), if one is available;

(D) if the person has a driver's license, must have the license confiscated by the court for 6 months, except as provided in subsection (2)(b); and

(E) shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (7); and

(iii) for a third or subsequent offense:

(A) shall be fined an amount not less than $300 and not to exceed $900;

(B) shall be ordered to perform 60 hours of community service;

(C) shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (8), if one is available;

(D) if the person has a driver's license, must have the license confiscated by the court for 6 months, except as provided in subsection (2)(b); and

(E) shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (7).

(b) If the convicted person fails to complete the community-based substance abuse information course and has a driver's license, the court shall order the license suspended for 3 months for a first offense, 9 months for a second offense, and 12 months for a third or subsequent offense.

(c) The court shall retain jurisdiction for up to 1 year to order suspension of a license under subsection (2)(b).

(3) A person 18 years of age or older who is convicted of the offense of possession of an alcoholic beverage:

(a) for a first offense:

(i) shall be fined an amount not less than $100 and not to exceed $300;

(ii) shall be ordered to perform 20 hours of community service; and

(iii) shall be ordered to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (8);

(b) for a second offense:

(i) shall be fined an amount not less than $200 and not to exceed $600;

(ii) shall be ordered to perform 40 hours of community service; and

(iii) shall be ordered to complete and pay for an alcohol or drug information course at an alcohol or drug treatment program that meets the requirements of subsection (8) that may, in the sentencing court's discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both; and

(c) for a third or subsequent offense:

(i) shall be fined an amount not less than $300 and not to exceed $900;

(ii) shall be ordered to perform 60 hours of community service;

(iii) shall be ordered to complete and pay for an alcohol or drug information course at an alcohol or drug treatment program that meets the requirements of subsection (8) that may, in the sentencing court's discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both; and

(iv) in the discretion of the court, shall be imprisoned in the county jail for a term not to exceed 6 months.

(4) A person under 21 years of age commits the offense of attempt to purchase an alcoholic beverage if the person knowingly attempts to purchase an alcoholic beverage. A person convicted of attempt to purchase an alcoholic beverage shall be fined an amount not to exceed $150 if the person was under 21 years of age at the time that the offense was committed and may be ordered to perform community service.

(5) A defendant who is currently under 21 years of age and was under 18 years of age when the defendant failed to comply with a sentence must be transferred to the youth court. If proceedings for failure to comply with a

sentence are held in the youth court, the offender must be treated as an alleged youth in need of intervention as defined in 41-5-103. The youth court may enter its judgment under 41-5-1512.

(6) A person commits the offense of interference with a sentence or court order if the person purposely or knowingly causes a child or ward to fail to comply with a sentence imposed under this section or a youth court disposition order for a youth found to have violated this section and on conviction shall be fined $100 or imprisoned in the county jail for 10 days, or both.

(7) (a) A person convicted of a second or subsequent offense of possession of an alcoholic beverage shall be ordered to complete a chemical dependency assessment.

(b) The chemical dependency assessment must be completed at a treatment program that meets the requirements of subsection (8) and must be conducted by a licensed addiction counselor. The person may attend a program of the person's choice as long as a licensed addiction counselor provides the services. If able, the person shall pay the cost of the assessment and any resulting treatment.

(c) The chemical dependency assessment must describe the person's level of abuse or dependency, if any, and contain a recommendation as to the appropriate level of treatment, if treatment is indicated. A person who disagrees with the initial assessment may, at the person's expense, obtain a second assessment provided by a licensed addiction counselor or program that meets the requirements of subsection (8).

(d) The treatment provided must be at a level appropriate to the person's alcohol or drug problem, or both, if any, as determined by a licensed addiction counselor pursuant to diagnosis and patient placement rules adopted by the department of public health and human services. Following the determination, the court shall order the appropriate level of treatment, if any. If more than one counselor makes a determination, the court shall order an appropriate level of treatment based on the determination of one of the counselors.

(e) Each licensed addiction counselor providing treatment shall, at the commencement of the course of treatment, notify the court that the person has been enrolled in a chemical dependency treatment program. If the person fails to attend the treatment program, the counselor shall notify the court of the failure.

(8) (a) A community-based substance abuse information course required under subsection (2)(a)(i)(C), (2)(a)(ii)(C), (2)(a)(iii)(C), or (3)(a)(iii) must be:

(i) approved by the department of public health and human services under 53-24-208 or by a court or provided under a contract with the department of corrections; or

(ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services and that is accredited by an accrediting entity approved by the U.S. centers for medicare and medicaid services to provide chemical dependency services.

(b) An alcohol or drug information course required under subsection (3)(b)(iii) or (3)(c)(iii) must be provided at an alcohol or drug treatment program:

(i) approved by the department of public health and human services under 53-24-208 or by a court or provided under a contract with the department of corrections; or

(ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services and that is accredited by an accrediting entity approved by the U.S. centers for medicare and medicaid services to provide chemical dependency services.

(c) A chemical dependency assessment required under subsection (7) must be completed at a treatment program:

(i) approved by the department of public health and human services under 53-24-208 or by a court or provided under a contract with the department of corrections; or

(ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services and that is accredited by an accrediting entity approved by the U.S. centers for medicare and medicaid services to provide chemical dependency services.

(9) Information provided or statements made by a person under 21 years of age to a health care provider or law enforcement personnel regarding an alleged offense against that person under Title 45, chapter 5, part 5, may not be used in a prosecution of that person under this section. This subsection's protection also extends to a person who helps the victim obtain medical or other assistance or report the offense to law enforcement personnel.

(10) (a) A person under 21 years of age may not be charged or prosecuted under subsection (1) if:

(i) the person has consumed an alcoholic beverage and seeks medical treatment at a health care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment;

(ii) the person accompanies another person under 21 years of age who has consumed an alcoholic beverage and seeks medical treatment at a health care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment for the other person; or

(iii) the person requires medical treatment as a result of consuming an alcoholic beverage and evidence of a violation of this section is obtained during the course of seeking or receiving medical treatment.

(b) For the purposes of this subsection (10), the following definitions apply:

(i) "Health care facility" means a facility or entity that is licensed, certified, or otherwise authorized by law to administer medical treatment in this state.

(ii) "Medical treatment" means medical treatment provided by a health care facility or an emergency medical service.

Section 2. Possession of or unlawful attempt to purchase marijuana -- interference with court order. (1) A person under 21 years of age commits the offense of possession of marijuana if the person knowingly consumes, uses, has in the person's possession, or delivers or distributes without consideration marijuana. A person may not be arrested for or charged with the offense solely because the person was at a place where other persons were possessing or consuming marijuana. A person does not commit the offense if the person consumes or gains possession of marijuana because it was lawfully supplied to the person or when in the course of employment it is necessary to possess marijuana.

(2) (a) In addition to a disposition by the youth court under 41-5-1512, a person under 18 years of age who is convicted under this section:

(i) for a first offense:

(A) shall be fined an amount not less than $100 and not to exceed $300;

(B) shall be ordered to perform 20 hours of community service;

(C) shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (8), if one is available; and

(D) if the person has a driver's license, must have the license confiscated by the court for 30 days, except as provided in subsection (2)(b);

(ii) for a second offense:

(A) shall be fined an amount not less than $200 and not to exceed $600;

(B) shall be ordered to perform 40 hours of community service;

(C) shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (8), if one is available;

(D) if the person has a driver's license, must have the license confiscated by the court for 6 months, except as provided in subsection (2)(b); and

(E) shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (7); and

(iii) for a third or subsequent offense:

(A) shall be fined an amount not less than $300 and not to exceed $900;

(B) shall be ordered to perform 60 hours of community service;

(C) shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (8), if one is available;

(D) if the person has a driver's license, must have the license confiscated by the court for 6 months, except as provided in subsection (2)(b); and

(E) shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (7).

(b) If the convicted person fails to complete the community-based substance abuse information course and has a driver's license, the court shall order the license suspended for 3 months for a first offense, 9 months for a second offense, and 12 months for a third or subsequent offense.

(c) The court shall retain jurisdiction for up to 1 year to order suspension of a license under subsection (2)(b).

(3) A person 18 years of age or older who is convicted of the offense of possession of marijuana:

(a) for a first offense:

(i) shall be fined an amount not less than $100 and not to exceed $300;

(ii) shall be ordered to perform 20 hours of community service; and

(iii) shall be ordered to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (8);

(b) for a second offense:

(i) shall be fined an amount not less than $200 and not to exceed $600;

(ii) shall be ordered to perform 40 hours of community service; and

(iii) shall be ordered to complete and pay for an alcohol or drug information course at an alcohol or drug treatment program that meets the requirements of subsection (8) that may, in the sentencing court's discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both; and

(c) for a third or subsequent offense:

(i) shall be fined an amount not less than $300 and not to exceed $900;

(ii) shall be ordered to perform 60 hours of community service;

(iii) shall be ordered to complete and pay for an alcohol or drug information course at an alcohol or drug treatment program that meets the requirements of subsection (8) that may, in the sentencing court's discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both; and

(iv) in the discretion of the court, shall be imprisoned in the county jail for a term not to exceed 6 months.

(4) A person under 21 years of age commits the offense of attempt to purchase marijuana if the person knowingly attempts to purchase marijuana. A person convicted of attempt to purchase marijuana shall be fined an amount not to exceed $150 if the person was under 21 years of age at the time that the offense was committed and may be ordered to perform community service.

(5) A defendant who is currently under 21 years of age and was under 18 years of age when the defendant failed to comply with a sentence must be transferred to the youth court. If proceedings for failure to comply with a sentence are held in the youth court, the offender must be treated as an alleged youth in need of intervention as defined in 41-5-103. The youth court may enter its judgment under 41-5-1512.

(6) A person commits the offense of interference with a sentence or court order if the person purposely or knowingly causes a child or ward to fail to comply with a sentence imposed under this section or a youth court disposition order for a youth found to have violated this section and on conviction shall be fined $100 or imprisoned in the county jail for 10 days, or both.

(7) (a) A person convicted of a second or subsequent offense of possession of marijuana shall be ordered to complete a chemical dependency assessment.

(b) The chemical dependency assessment must be completed at a treatment program that meets the requirements of subsection (8) and must be conducted by a licensed addiction counselor. The person may attend a program of the person's choice as long as a licensed addiction counselor provides the services. If able, the person shall pay the cost of the assessment and any resulting treatment.

(c) The chemical dependency assessment must describe the person's level of abuse or dependency, if any, and contain a recommendation as to the appropriate level of treatment, if treatment is indicated. A person who disagrees with the initial assessment may, at the person's expense, obtain a second assessment provided by a licensed addiction counselor or program that meets the requirements of subsection (8).

(d) The treatment provided must be at a level appropriate to the person's alcohol or drug problem, or both, if any, as determined by a licensed addiction counselor pursuant to diagnosis and patient placement rules adopted by the department of public health and human services. Following the determination, the court shall order the appropriate level of treatment, if any. If more than one counselor makes a determination, the court shall order an appropriate level of treatment based on the determination of one of the counselors.

(e) Each licensed addiction counselor providing treatment shall, at the commencement of the course of treatment, notify the court that the person has been enrolled in a chemical dependency treatment program. If the person fails to attend the treatment program, the counselor shall notify the court of the failure.

(8) (a) A community-based substance abuse information course required under subsection (2)(a)(i)(C), (2)(a)(ii)(C), (2)(a)(iii)(C), or (3)(a)(iii) must be:

(i) approved by the department of public health and human services under 53-24-208 or by a court or provided under a contract with the department of corrections; or

(ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services and that is accredited by an accrediting entity approved by the U.S. centers for medicare and medicaid services to provide chemical dependency services.

(b) An alcohol or drug information course required under subsection (3)(b)(iii) or (3)(c)(iii) must be provided at an alcohol or drug treatment program:

(i) approved by the department of public health and human services under 53-24-208 or by a court or provided under a contract with the department of corrections; or

(ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services and that is accredited by an accrediting entity approved by the U.S. centers for medicare and medicaid services to provide chemical dependency services.

(c) A chemical dependency assessment required under subsection (7) must be completed at a treatment program:

(i) approved by the department of public health and human services under 53-24-208 or by a court or provided under a contract with the department of corrections; or

(ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services and that is accredited by an accrediting entity approved by the U.S. centers for medicare and medicaid services to provide chemical dependency services.

(9) Information provided or statements made by a person under 21 years of age to a health care provider or law enforcement personnel regarding an alleged offense against that person under Title 45, chapter 5, part 5, may not be used in a prosecution of that person under this section. This subsection's protection also extends to a person who helps the victim obtain medical or other assistance or report the offense to law enforcement personnel.

(10) (a) A person under 21 years of age may not be charged or prosecuted under subsection (1) if:

(i) the person has consumed marijuana and seeks medical treatment at a health care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment;

(ii) the person accompanies another person under 21 years of age who has consumed marijuana and seeks medical treatment at a health care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment for the other person; or

(iii) the person requires medical treatment as a result of consuming marijuana and evidence of a violation of this section is obtained during the course of seeking or receiving medical treatment.

(b) For the purposes of this subsection (10), the following definitions apply:

(i) "Health care facility" means a facility or entity that is licensed, certified, or otherwise authorized by law to administer medical treatment in this state.

(ii) "Medical treatment" means medical treatment provided by a health care facility or an emergency medical service.

Section 3. Section 16-3-301, MCA, is amended to read:

"**16-3-301. Unlawful purchases, transfers, sales, or deliveries -- presumption of legal age.** (1) Except as allowed in 16-4-213(8), it is unlawful for a licensed retailer to:

(a) purchase or acquire beer or wine from anyone except a brewery, winery, or wholesaler licensed under the provisions of this code;

(b) purchase or acquire table wine from anyone except a liquor store agent or winery or table wine distributor licensed under the provisions of this code;

(c) purchase or acquire wine from anyone except a liquor store agent or winery;

(d) transport alcoholic beverages from one licensed premises or other facility to any other licensed premises owned by the licensee; or

(e) purchase or acquire liquor from anyone except an agency liquor store.

(2) It is unlawful for a licensed distributor or wholesaler to purchase beer, table wine, or wine from anyone except a brewery, winery, or wholesaler licensed or registered under this code.

(3) It is unlawful for a liquor store agent to purchase table wine or sacramental wine from anyone except a table wine distributor licensed under this code.

(4) It is unlawful for any licensee, a licensee's employee, or any other person to sell, deliver, or give away or cause or permit to be sold, delivered, or given away any alcoholic beverage to:

(a) any person under 21 years of age; or

(b) any person actually, apparently, or obviously intoxicated.

(5) Any person under 21 years of age or any other person who knowingly misrepresents the person's qualifications for the purpose of obtaining an alcoholic beverage from the licensee is equally guilty with the licensee and, on conviction, is subject to the penalty provided in 45-5-624 *and [sections 1 and 2]*. However, nothing in this section may be construed as authorizing or permitting the sale of an alcoholic beverage to any person in violation of any federal law.

(6) All licensees shall display in a prominent place in their premises a placard, issued by the department, stating fully the consequences for violations of the provisions of this code by persons under 21 years of age.

(7) For purposes of 45-5-623 and this title, the establishment of the following facts by a person making a sale of alcoholic beverages to a person under the legal age constitutes prima facie evidence of innocence and a defense to a prosecution for sale of alcoholic beverages to a person under the legal age:

(a) the purchaser falsely represented and supported with documentary evidence that an ordinary and prudent person would accept that the purchaser was of legal age to purchase alcoholic beverages;

(b) the appearance of the purchaser was such that an ordinary and prudent person would believe the purchaser to be of legal age to purchase alcoholic beverages; and

(c) the sale was made in good faith and in reasonable reliance on the representation and appearance of the purchaser that the purchaser was of legal age to purchase alcoholic beverages.

(8) A licensed retailer may purchase beer and table wine from a licensed in-state retailer and transport the purchased beer and table wine to the licensed retailer's premises. The department may penalize retailers purchasing beer and table wine from out-of-state retailers subject to this code. Purchases under this subsection are limited to a maximum of 6 gallons a day. (See compiler's comments for contingent termination of certain text.)"

Section 4. Section 16-3-323, MCA, is amended to read:

"**16-3-323. Enforcement.** (1) A law enforcement officer may not request information on file about the original purchaser of a keg unless in connection with a violation of 16-6-305, 45-5-623, or ~~45-5-624(4)~~ *[section 1(4)]*. The officer shall return any recovered keg to the licensee and verify the information on file about the original purchaser.

(2) The deposit on the keg and any related deposit to the licensee must be forfeited by the original purchaser."

Section 5. Section 16-6-314, MCA, is amended to read:

"**16-6-314. Penalty for violating code -- revocation of license -- penalty for violation by underage person.** (1) A person who violates a provision of this code is guilty of a misdemeanor punishable as provided in 46-18-212, except as otherwise provided in this section.

(2) If a retail licensee is convicted of an offense under this code, the licensee's license must be immediately revoked or, in the discretion of the department, another sanction must be imposed as provided under 16-4-406.

(3) A person under 21 years of age who violates 16-3-301(4) or 16-6-305(3) is subject to the penalty provided in 45-5-624(2) or (3)*, [section 1(3) or (4)], or [section 2(3) or (4)]*. (See compiler's comments for contingent termination of certain text.)"

Section 6. Section 16-12-106, MCA, is amended to read:

"**16-12-106. Personal use and cultivation of marijuana -- penalties.** (1) Subject to the limitations in 16-12-108, the following acts are lawful and may not be an offense under state law or the laws of any local government within the state, be a basis to impose a civil fine, penalty, or sanction, or be a basis to detain, search, or arrest, or otherwise deny any right or privilege, or to seize or forfeit assets under state law or the laws of any local government for a person who is 21 years of age or older or a registered cardholder:

(a) possessing, purchasing, obtaining, using, ingesting, inhaling, or transporting 1 ounce or less of usable marijuana, except that not more than 8 grams may be in a concentrated form and not more than 800 milligrams of THC may be in edible marijuana products meant to be eaten or swallowed in solid form;

(b) transferring, delivering, or distributing without consideration, to a person who is 21 years of age or older or a registered cardholder, 1 ounce or less of usable marijuana, except that not more than 8 grams may be in a concentrated form and not more than 800 milligrams of THC may be in edible marijuana products meant to be eaten or swallowed in solid form;

(c) in or on the grounds of a private residence, possessing, planting, or cultivating up to two mature marijuana plants and two seedlings, or four mature marijuana plants and four seedlings for a registered cardholder, and possessing, harvesting, drying, processing, or manufacturing the marijuana, provided that:

(i) marijuana plants and any marijuana produced by the plants in excess of 1 ounce must be kept in a locked space in or on the grounds of one private residence and may not be visible by normal, unaided vision from a public place;

(ii) not more than twice the number of marijuana plants permitted under this subsection (1)(c) may be cultivated in or on the grounds of a single private residence simultaneously;

(iii) a person growing or storing marijuana plants under this subsection (1)(c) must own the private residence where the plants are cultivated and stored or obtain written permission to cultivate and store marijuana from the owner of the private residence; and

(iv) no portion of a private residence used for cultivation of marijuana and manufacture of marijuana products for personal use may be shared with, rented, or leased to a marijuana business;

(d) assisting another person who is at least 21 years of age or a registered cardholder, in any of the acts permitted by this section, including allowing another person to use one's personal residence for any of the acts described in this section; and

(e) possessing, purchasing, using, delivering, distributing, manufacturing, transferring, or selling to persons 18 years of age or older paraphernalia relating to marijuana.

(2) A person who cultivates marijuana plants that are visible by normal, unaided vision from a public place in violation of subsection (1)(c)(i) is subject to a civil fine not exceeding $250 and forfeiture of the marijuana.

(3) A person who cultivates marijuana plants or stores marijuana outside of a locked space is subject to a civil fine not exceeding $250 and forfeiture of the marijuana.

(4) A person who smokes marijuana in a public place, other than in an area licensed for that activity by the department, is subject to a civil fine not exceeding $50.

(5) For a person who is under 21 years of age and is not a registered cardholder, possession, use, delivery without consideration, or distribution without consideration of marijuana is punishable in accordance with ~~45-5-624~~ *[section 2]*.

(6) For a person who is under 18 years of age and is not a registered cardholder, possession, use, transportation, delivery without consideration, or distribution without consideration of marijuana paraphernalia is punishable by forfeiture of the marijuana paraphernalia and 8 hours of drug education or counseling.

(7) Unless otherwise permitted under the provisions of Title 16, chapter 12, part 5, the possession, production, delivery without consideration to a person 21 years of age or older, or possession with intent to deliver more than 1 ounce but less than 2 ounces of marijuana or more than 8 grams but less than 16 grams of marijuana in a concentrated form is punishable by forfeiture of the marijuana and:

(a) for a first violation, the person's choice between a civil fine not exceeding $200 or completing up to 4 hours of community service in lieu of the fine;

(b) for a second violation, the person's choice between a civil fine not exceeding $300 or completing up to 6 hours of community service in lieu of the fine; and

(c) for a third or subsequent violation, the person's choice between a civil fine not exceeding $500 or completing up to 8 hours of community service in lieu of the fine.

(8) A person may not be denied adoption, custody, or visitation rights relative to a minor solely for conduct that is permitted by this chapter.

(9) A person may not be denied access to or priority for an organ transplant or denied access to health care solely for conduct that is permitted by this chapter."

Section 7. Section 45-5-624, MCA, is amended to read:

"**45-5-624. Possession of or unlawful attempt to purchase intoxicating substance *other than alcohol or marijuana* -- interference with sentence or court order.** (1) A person under 21 years of age commits the offense of possession of an intoxicating substance *other than alcohol or marijuana* if the person knowingly consumes, uses, has in the person's possession, or delivers or distributes without consideration an intoxicating substance *other than alcohol or marijuana*. A person may not be arrested for or charged with the offense solely because the person was at a place where other persons were possessing or consuming ~~alcoholic beverages or marijuana~~ *an intoxicating substance other than alcohol or marijuana*. A person does not commit the offense if the person consumes or gains possession of an ~~alcoholic beverage~~ *intoxicating substance other than alcohol or marijuana* because it was lawfully supplied to the person ~~under 16-6-305~~ or when in the course of employment it is necessary to possess ~~alcoholic beverages or marijuana~~ *an intoxicating substance other than alcohol or marijuana*.

(2) (a) In addition to any disposition by the youth court under 41-5-1512, a person under 18 years of age who is convicted under this section:

(i) for a first offense~~,~~*:*

(A) shall be fined an amount not less than $100 and not to exceed $300 ~~and:~~ *;*

~~(A)~~*(B)* shall be ordered to perform 20 hours of community service;

~~(B)~~*(C)* shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (8), if one is available; and

~~(C)~~*(D)* if the person has a driver's license, must have the license confiscated by the court for 30 days, except as provided in subsection (2)(b);

(ii) for a second offense~~,~~*:*

(A) shall be fined an amount not less than $200 and not to exceed $600 ~~and:~~*;*

~~(A)~~*(B)* shall be ordered to perform 40 hours of community service;

~~(B)~~*(C)* shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (8), if one is available;

~~(C)~~*(D)* if the person has a driver's license, must have the license confiscated by the court for 6 months, except as provided in subsection (2)(b); and

~~(D)~~*(E)* shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (7);

(iii) for a third or subsequent offense~~,~~*:*

(A) shall be fined an amount not less than $300 ~~or more than~~ *and not to exceed* $900~~,~~*;*

(B) shall be ordered to perform 60 hours of community service~~,~~*;*

(C) shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (8), if one is available~~, and~~*;*

(D) if the person has a driver's license, the court shall confiscate the license for 6 months, except as provided in subsection (2)(b); and

(E) shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (7). ~~If the person has a driver's license, the court shall confiscate the license for 6 months, except as provided in subsection (2)(b).~~

(b) If the convicted person fails to complete the community-based substance abuse information course and has a driver's license, the court shall order the license suspended for 3 months for a first offense, 9 months for a second offense, and 12 months for a third or subsequent offense.

(c) The court shall retain jurisdiction for up to 1 year to order suspension of a license under subsection (2)(b).

(3) A person 18 years of age or older who is convicted of the offense of possession of an intoxicating substance:

(a) for a first offense:

(i) shall be fined an amount not less than $100 ~~or more than~~ *and not to exceed* $300;

(ii) shall be ordered to perform 20 hours of community service; and

(iii) shall be ordered to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (8);

(b) for a second offense:

(i) shall be fined an amount not less than $200 ~~or more than~~ *and not to exceed* $600;

(ii) shall be ordered to perform 40 hours of community service; and

(iii) shall be ordered to complete and pay for an alcohol or drug information course at an alcohol or drug treatment program that meets the requirements of subsection (8)~~, which~~ *that* may, in the *sentencing* court's discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both; *and*

(c) for a third or subsequent offense:

(i) shall be fined an amount not less than $300 ~~or more than~~ *and not to exceed* $900;

(ii) shall be ordered to perform 60 hours of community service;

(iii) shall be ordered to complete and pay for an alcohol or drug information course at an alcohol or drug treatment program that meets the requirements of subsection (8)~~, which~~ *that* may, in the sentencing court's discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both; and

(iv) in the discretion of the court, shall be imprisoned in the county jail for a term not to exceed 6 months.

(4) A person under 21 years of age commits the offense of attempt to purchase an intoxicating substance *other than alcohol or marijuana* if the person knowingly attempts to purchase an ~~alcoholic beverage or marijuana~~ *intoxicating substance other than alcohol or marijuana*. A person convicted of attempt to purchase an intoxicating substance *other than alcohol or marijuana* shall be fined an amount not to exceed $150 if the person was under 21 years of age at the time that the offense was committed and may be ordered to perform community service.

(5) A defendant who ~~fails to comply with a sentence and~~ is *currently* under 21 years of age and was under 18 years of age when the defendant failed to comply *with a sentence* must be transferred to the youth court. If proceedings for failure to comply with a sentence are held in the youth court, the offender must be treated as an alleged youth in need of intervention as defined in 41-5-103. The youth court may enter its judgment under 41-5-1512.

(6) A person commits the offense of interference with a sentence or court order if the person purposely or knowingly causes a child or ward to fail to comply with a sentence imposed under this section or a youth court disposition order for a youth found to have violated this section and ~~upon~~ *on* conviction shall be fined $100 or imprisoned in the county jail for 10 days, or both.

(7) (a) A person convicted of a second or subsequent offense of possession of an intoxicating substance *other than alcohol or marijuana* shall be ordered to complete a chemical dependency assessment.

(b) The *chemical dependency* assessment must be completed at a treatment program that meets the requirements of subsection (8) and must be conducted by a licensed addiction counselor. The person may attend a program of the person's choice as long as a licensed addiction counselor provides the services. If able, the person shall pay the cost of the assessment and any resulting treatment.

(c) The *chemical dependency* assessment must describe the person's level of abuse or dependency, if any, and contain a recommendation as to the appropriate level of treatment, if treatment is indicated. A person who disagrees with the initial assessment may, at the person's expense, obtain a second assessment provided by a licensed addiction counselor or program that meets the requirements of subsection (8).

(d) The treatment provided must be at a level appropriate to the person's alcohol or drug problem, or both, if any, as determined by a licensed addiction counselor pursuant to diagnosis and patient placement rules adopted by the department of public health and human services. ~~Upon~~ *Following* the

determination, the court shall order the appropriate level of treatment, if any. If more than one counselor makes a determination, the court shall order an appropriate level of treatment based on the determination of one of the counselors.

(e) Each *licensed addiction* counselor providing treatment shall, at the commencement of the course of treatment, notify the court that the person has been enrolled in a chemical dependency treatment program. If the person fails to attend the treatment program, the counselor shall notify the court of the failure.

(8) (a) A community-based substance abuse information course required under subsection ~~(2)(a)(i)(B)~~ *(2)(a)(i)(C)*, ~~(2)(a)(ii)(B)~~ *(2)(a)(ii)(C)*, (2)(a)(iii)*(C)*, or (3)(a)(iii) must be:

(i) approved by the department of public health and human services under 53-24-208 or by a court or provided under a contract with the department of corrections; or

(ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services and that is accredited by an accrediting entity approved by the U.S. centers for medicare and medicaid services to provide chemical dependency services.

(b) An alcohol or drug information course required under subsection (3)(b)(iii) or (3)(c)(iii) must be provided at an alcohol or drug treatment program:

(i) approved by the department of public health and human services under 53-24-208 or by a court or provided under a contract with the department of corrections; or

(ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services and that is accredited by an accrediting entity approved by the U.S. centers for medicare and medicaid services to provide chemical dependency services.

(c) A chemical dependency assessment required under subsection (7) must be completed at a treatment program:

(i) approved by the department of public health and human services under 53-24-208 or by a court or provided under a contract with the department of corrections; or

(ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services and that is accredited by an accrediting entity approved by the U.S. centers for medicare and medicaid services to provide chemical dependency services.

(9) Information provided or statements made by a person under 21 years of age to a health care provider or law enforcement personnel regarding an alleged offense against that person under Title 45, chapter 5, part 5, may not be used in a prosecution of that person under this section. This subsection's protection also extends to a person who helps the victim obtain medical or other assistance or report the offense to law enforcement personnel.

(10) (a) A person under 21 years of age may not be charged or prosecuted under subsection (1) if:

(i) the person has consumed an intoxicating substance *other than alcohol or marijuana* and seeks medical treatment at a health care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment;

(ii) the person accompanies another person under 21 years of age who has consumed an intoxicating substance *other than alcohol or marijuana* and seeks medical treatment at a health care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment for the other person; or

(iii) the person requires medical treatment as a result of consuming an intoxicating substance *other than alcohol or marijuana* and evidence of a violation of this section is obtained during the course of seeking or receiving medical treatment.

(b) For the purposes of this subsection (10), the following definitions apply:

(i) "Health care facility" means a facility or entity that is licensed, certified, or otherwise authorized by law to administer medical treatment in this state.

(ii) "Medical treatment" means medical treatment provided by a health care facility or an emergency medical service. (See compiler's comments for contingent termination of certain text.)"

Section 8. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 45, chapter 5, part 6, and the provisions of Title 45, chapter 5, part 6, apply to [sections 1 and 2].

Approved April 16, 2025

CHAPTER NO. 156

[SB 110]

AN ACT REVISING LAWS RELATED TO AMUSEMENT RIDES AND SAFETY; REQUIRING INSPECTIONS BY QUALIFIED INSPECTORS; DEFINING QUALIFIED INSPECTOR AND SERIOUS INJURY OR ILLNESS; REQUIRING OPERATOR LIABILITY INSURANCE; EXPANDING PASSENGER SAFETY RESPONSIBILITIES; AND AMENDING SECTIONS 27-1-741, 27-1-742, 27-1-743, 27-1-744, AND 27-1-745, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Inspections and inspection certification -- qualified inspectors -- fees. (1) All amusement rides must be inspected by a qualified inspector at least once every 12 months, measured from the date the previous inspection certificate was issued.

(2) An amusement ride may not be operated for the public if a qualified inspector has not issued an inspection certificate. A qualified inspector who determines that a ride is unsafe for public use shall immediately notify the operator of the unsafe condition. A qualified inspector may not issue an inspection certificate for the ride until the unsafe condition has been corrected to the satisfaction of the qualified inspector.

(3) Before a passenger may be admitted to an amusement ride that has undergone a major modification, the ride must be inspected by a qualified inspector.

(4) After completing a satisfactory inspection, a qualified inspector shall issue an inspection certificate to the operator of the amusement ride certifying that the ride is safe for public use. The certificate must show compliance with one or both of the following standards, as adopted by ASTM international:

(a) ASTM F770-22, also known as the Standard Practice for Ownership, Operation, Maintenance, and Inspection of Amusement Rides and Devices;

(b) ASTM F2376-22, also known as the Standard Practice for Classification, Design, Manufacture, Construction, and Operation of Water Slide Systems.

(5) An inspection certificate issued by a qualified inspector pursuant to the laws of a foreign jurisdiction under standards substantially equivalent to the standards of this state must satisfy the requirements of subsection (1).

(6) Fees for annual inspections must be determined by the qualified inspector and paid by the operator of the amusement ride.

Section 2. Section 27-1-741, MCA, is amended to read:

"**27-1-741. Purpose.** The legislature finds that:

(1) amusement rides are used by a large number of Montana's citizens and attract a large number of nonresidents, significantly contributing to Montana's tourism industry and tax base;

(2) the safety of the public using amusement rides is an important matter of public policy;

(3) there are inherent risks associated with the machinery, equipment, or animals that are impracticable or impossible for an amusement ride owner or operator to eliminate with all reasonable safety precautions;

(4) an informed patron is in the best position to avoid risks inherent to amusement rides; and

(5) the safety of amusement rides will be greatly improved at minimal cost if *operators maintain minimum safety standards and* riders are subject to minimum safety standards for their own protection and the protection of others."

Section 3. Section 27-1-742, MCA, is amended to read:

"**27-1-742. Definitions.** As used in 27-1-741 through 27-1-745, the following definitions apply:

(1) *(a)* "Amusement ride" or "ride" means a movable, portable, or nonpermanent structure that features or employs a mechanical, aquatic, or other device or attraction that carries passengers over a fixed or restricted route or that operates in a fixed or restricted area, primarily for the passengers' amusement.

(b) This definition ~~applies~~ *does not apply* to amusement rides that are set up and operate in any location in Montana for not more than 30 days.

(2) "Operator" means a person, business, or other entity that owns, leases, manages, or operates amusement rides.

(3) "Passenger" means a person:

(a) waiting in the immediate vicinity of an amusement ride to board the ride;

(b) entering or boarding an amusement ride;

(c) using an amusement ride;

(d) getting off or exiting from an amusement ride; or

(e) leaving the immediate vicinity of an amusement ride after getting off or exiting the ride.

(4) "Qualified inspector" means an individual who is not employed by the operator and is:

(a) a professional engineer; or

(b) an inspector holding a minimum of:

(i) a level 1 maintenance certification from AIMS international, also known as amusement industry manufacturers and suppliers international; or

(ii) a level 1 certification from the national association of amusement ride safety officials.

(5) "Serious injury or illness" means an injury to or illness of a person that results in death, dismemberment, significant disfigurement, the permanent loss of the use of a body organ, member, function, or system, a compound fracture, or any other significant injury or illness that requires immediate admission and overnight hospitalization and observation by a licensed physician."

Section 4. Section 27-1-743, MCA, is amended to read:

"**27-1-743. Operator's responsibilities.** An operator shall:

(1) exercise reasonable care in constructing, erecting, maintaining, operating, and supervising amusement rides to ensure the safety of passengers;

(2) ensure that there is an adequately staffed first-aid station and a location for reporting injuries and accidents. For the purposes of this section,

one adequately staffed first-aid station and a single location for reporting injuries and accidents on a site where multiple operators are grouped in a fair or carnival formation are sufficient.

(3) ensure that when supervising or operating a ride, the operator or an employee of the operator is not under the influence of alcohol or drugs; ~~and~~

(4) post in a conspicuous place on the amusement ride grounds an easily readable sign that lists the passenger and operator responsibilities and prohibitions contained in 27-1-744 and this section, as well as additional language or another sign near the entrance to each ride that includes:

(a) operational instructions, if any;

(b) safety guidelines for the ride, if any;

(c) restrictions on the use of the amusement ride, if any;

(d) behavior or activities that are prohibited, if any; and

(e) the following statement: "State law requires riders and passengers to obey all warnings and directions for this ride and behave in a manner that will not cause or contribute to injury to themselves or others. Riders must report injuries before leaving the premises.";

(5) conduct a daily pre-opening inspection of all amusement rides, in accordance with the pre-opening inspection requirements of ASTM F770-22 and ASTM F1193-22, section 6; and

(6) maintain liability insurance on the operation of the ride with an insurer authorized or approved to write this type of insurance in the state. The insurance must provide coverage, exclusive of daily interest and costs, of at least $500,000 for bodily injury or death of one person in each occurrence and at least $1 million for bodily injury or death of two or more persons in each occurrence."

Section 5. Section 27-1-744, MCA, is amended to read:

"**27-1-744. Passenger responsibilities and prohibitions.** (1) A passenger may not:

(a) enter or exit an amusement ride except at a time and place, if any, designated by an operator or employee and in the manner and under the supervision of an operator or employee;

(b) throw, ~~or~~ drop*, or expel* an object from or ~~in the direction of~~ *toward* an amusement ride;

(c) fail or refuse to comply with ~~the~~ *instructions from an operator or employee of an amusement ride or from posted signs, including but not limited to warning signs, instructions signs, and direction signs;* ~~instructions of an operator or employee operating or supervising an amusement ride;~~

(d) act in ~~a~~ *any* manner that *could cause or contribute to injury to self or others or that* could interfere with the safe operation of an amusement ride ~~or with the safety of a passenger~~;

(e) disable*, disconnect,* or attempt to disable any safety or restraining device*, except at the express instruction of an operator*;

(f) alter or enhance the designed speed, course, or direction of an amusement ride;

(g) operate or attempt to operate amusement ride controls designed to be operated only by the operator or employee operating the ride; ~~or~~

(h) extend arms or legs beyond the carrier or seating area, except at the express direction of an operator or employee;

(i) fail to properly use all safety equipment on the amusement ride in accordance with the instructions of operators and posted signs; or

~~(h)~~*(j)* use an amusement ride when under the influence of alcohol or ~~drugs to the point that the ability of the passenger to safely use the ride is diminished~~ *any other intoxicating substance*. An operator or employee may prohibit a person from using or continuing a ride if the operator or employee reasonably

believes that ~~the person is under the influence of alcohol or drugs to the point that~~ the person's ability to safely use or continue the ride is diminished.

(2) A passenger shall*:*

(a) follow warnings and other information posted by or orally given to the passenger by an operator or employee*.; and*

(b) obey all posted signs pertaining to the amusement ride, including but not limited to warning signs, instruction signs, and directions signs.

(3) A passenger who violates the provisions of this section is subject to immediate removal from the amusement facility without a refund of any portion of the admission charge."

Section 6. Section 27-1-745, MCA, is amended to read:

"**27-1-745. Injury reports *and investigations.*** (1) (a) A passenger who is injured on or by an amusement ride is encouraged to report the injury to the operator before leaving the amusement ride premises. The passenger shall, if possible, not later than 6 months after the injury, report the injury to the operator or to the owner of the premises where the amusement ride was located at the time of the injury. The report must include:

(i) the passenger's name, address, and telephone number;

(ii) a brief description of the injury and how it occurred, including the date, approximate time, location, and amusement ride ~~upon~~ *on* which the injury occurred; ~~and~~

(iii) the names, addresses, and telephone numbers of known witnesses to the injury.

(b) The operator shall provide to the person who was injured and who has filed an injury report:

(i) the individual operator's name, current address, and telephone number;

(ii) a brief description of the ride, the maintenance schedule for the ride, and the manufacturer of the ride; ~~and~~

(iii) the names, current addresses, and telephone numbers of all known witnesses to the injury*; and*

(iv) a copy of the most recent inspection certificate as required by [section 1] and the inspector's name, current address, and telephone number.

(2) The report must be kept by the operator for at least 3 years after its receipt and must be made available for inspection by the injured passenger or the passenger's agent during business hours.

(3) (a) In the event of a serious injury or illness reported pursuant to subsection (1), the operator shall initiate an investigation conducted by a qualified inspector. The amusement ride may not be reopened to the public until the investigation is complete and the qualified inspector determines the ride to be safe for public use.

(b) The cost of an investigation resulting from the serious injury or illness must be paid by the operator.

(c) If the qualified inspector determines that the serious injury or illness was caused by the rider's failure to comply with the posted safety rules or with instructions given by the ride operators, the investigation must be concluded."

Section 7. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 27, chapter 1, part 7, and the provisions of Title 27, chapter 1, part 7, apply to [section 1].

Approved April 16, 2025

CHAPTER NO. 157

[SB 109]

AN ACT REVISING THE DEFINITION OF TREATING PHYSICIAN TO INCLUDE A PHYSICAL THERAPIST; AND AMENDING SECTION 39-71-116, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 39-71-116, MCA, is amended to read:

"**39-71-116. Definitions.** Unless the context otherwise requires, in this chapter, the following definitions apply:

(1) "Actual wage loss" means that the wages that a worker earns or is qualified to earn after the worker reaches maximum healing are less than the actual wages the worker received at the time of the injury.

(2) "Administer and pay" includes all actions by the state fund under the Workers' Compensation Act necessary to:

(a) investigation, review, and settlement of claims;

(b) payment of benefits;

(c) setting of reserves;

(d) furnishing of services and facilities; and

(e) use of actuarial, audit, accounting, vocational rehabilitation, and legal services.

(3) "Aid or sustenance" means a public or private subsidy made to provide a means of support, maintenance, or subsistence for the recipient.

(4) "Beneficiary" means:

(a) a surviving spouse living with or legally entitled to be supported by the deceased at the time of injury;

(b) an unmarried child under 18 years of age;

(c) an unmarried child under 22 years of age who is a full-time student in an accredited school or is enrolled in an accredited apprenticeship program;

(d) an invalid child over 18 years of age who is dependent, as defined in 26 U.S.C. 152, upon the decedent for support at the time of injury;

(e) a parent who is dependent, as defined in 26 U.S.C. 152, upon the decedent for support at the time of the injury if a beneficiary, as defined in subsections (4)(a) through (4)(d), does not exist; and

(f) a brother or sister under 18 years of age if dependent, as defined in 26 U.S.C. 152, upon the decedent for support at the time of the injury but only until the age of 18 years and only when a beneficiary, as defined in subsections (4)(a) through (4)(e), does not exist.

(5) "Business partner" means the community, governmental entity, or business organization that provides the premises for work-based learning activities for students.

(6) "Casual employment" means employment not in the usual course of the trade, business, profession, or occupation of the employer.

(7) "Child" includes a posthumous child, a dependent stepchild, and a child legally adopted prior to the injury.

(8) (a) "Claims examiner" means an individual who, as a paid employee of the department, of a plan No. 1, 2, or 3 insurer, or of an administrator licensed under Title 33, chapter 17, examines claims under chapter 71 to:

(i) determine liability;

(ii) apply the requirements of this title;

(iii) settle workers' compensation or occupational disease claims; or

(iv) determine survivor benefits.

(b) The term does not include an adjuster as defined in 33-17-102.

(9) (a) "Construction industry" means the major group of general contractors and operative builders, heavy construction (other than building construction) contractors, and special trade contractors listed in major group 23 in the North American Industry Classification System Manual.

(b) The term does not include office workers, design professionals, salespersons, estimators, or any other related employment that is not directly involved on a regular basis in the provision of physical labor at a construction or renovation site.

(10) "Days" means calendar days, unless otherwise specified.

(11) "Department" means the department of labor and industry.

(12) "Direct result" means that a diagnosed condition was caused or aggravated by an injury or occupational disease.

(13) "Fiscal year" means the period of time between July 1 and the succeeding June 30.

(14) "Health care provider" means a person who is licensed, certified, or otherwise authorized by the laws of this state to provide health care in the ordinary course of business or practice of a profession.

(15) (a) "Household or domestic employment" means employment of persons other than members of the household for the purpose of tending to the aid and comfort of the employer or members of the employer's family, including but not limited to housecleaning and yard work.

(b) The term does not include employment beyond the scope of normal household or domestic duties, such as home health care or domiciliary care.

(16) (a) "Indemnity benefits" means any payment made directly to the worker or the worker's beneficiaries, other than a medical benefit. The term includes payments made pursuant to a reservation of rights.

(b) The term does not include stay-at-work/return-to-work assistance, auxiliary benefits, or expense reimbursements for items such as meals, travel, or lodging.

(17) "Insurer" means an employer bound by compensation plan No. 1, an insurance company transacting business under compensation plan No. 2, or the state fund under compensation plan No. 3.

(18) "Invalid" means one who is physically or mentally incapacitated.

(19) "Limited liability company" has the meaning provided in 35-8-102.

(20) "Maintenance care" means treatment designed to provide the optimum state of health while minimizing recurrence of the clinical status.

(21) "Medical stability", "maximum medical improvement", "maximum healing", or "maximum medical healing" means a point in the healing process when further material functional improvement would not be reasonably expected from primary medical services.

(22) "Objective medical findings" means medical evidence, including range of motion, atrophy, muscle strength, muscle spasm, or other diagnostic evidence, substantiated by clinical findings.

(23) (a) "Occupational disease" means harm, damage, or death arising out of or contracted in the course and scope of employment caused by events occurring on more than a single day or work shift.

(b) The term does not include a physical or mental condition arising from emotional or mental stress or from a nonphysical stimulus or activity.

(24) "Order" means any decision, rule, direction, requirement, or standard of the department or any other determination arrived at by the department.

(25) "Palliative care" means treatment designed to reduce or ease symptoms without curing the underlying cause of the symptoms.

(26) "Payroll", "annual payroll", or "annual payroll for the preceding year" means the average annual payroll of the employer for the preceding calendar

year or, if the employer has not operated a sufficient or any length of time during the calendar year, 12 times the average monthly payroll for the current year. However, an estimate may be made by the department for any employer starting in business if average payrolls are not available. This estimate must be adjusted by additional payment by the employer or refund by the department, as the case may actually be, on December 31 of the current year. An employer's payroll must be computed by calculating all wages, as defined in 39-71-123, that are paid by an employer.

(27) "Permanent partial disability" means a physical condition in which a worker, after reaching maximum medical healing:

(a) has a permanent impairment, as determined by the sixth edition of the American medical association's Guides to the Evaluation of Permanent Impairment, that is established by objective medical findings for the ratable condition. The ratable condition must be a direct result of the compensable injury or occupational disease and may not be based exclusively on complaints of pain.

(b) is able to return to work in some capacity but the permanent impairment impairs the worker's ability to work; and

(c) has an actual wage loss as a result of the injury.

(28) "Permanent total disability" means a physical condition resulting from injury as defined in this chapter, after a worker reaches maximum medical healing, in which a worker does not have a reasonable prospect of physically performing regular employment. Lack of immediate job openings is not a factor to be considered in determining if a worker is permanently totally disabled.

(29) "Primary medical services" means treatment prescribed by the treating physician, for conditions resulting from the injury or occupational disease, necessary for achieving medical stability.

(30) "Prosthetic device" or "prosthesis" means an artificial substitute for a missing body part.

(31) "Public corporation" means the state or a county, municipal corporation, school district, city, city under a commission form of government or special charter, town, or village.

(32) "Reasonably safe place to work" means that the place of employment has been made as free from danger to the life or safety of the employee as the nature of the employment will reasonably permit.

(33) "Reasonably safe tools or appliances" are tools and appliances that are adapted to and that are reasonably safe for use for the particular purpose for which they are furnished.

(34) "Regular employment" means work on a recurring basis performed for remuneration in a trade, business, profession, or other occupation in this state.

(35) (a) "Secondary medical services" means those medical services or appliances that are considered not medically necessary for medical stability. The services and appliances include but are not limited to spas or hot tubs, work hardening, physical restoration programs and other restoration programs designed to address disability and not impairment, or equipment offered by individuals, clinics, groups, hospitals, or rehabilitation facilities.

(b) (i) As used in this subsection (35), "disability" means a condition in which a worker's ability to engage in gainful employment is diminished as a result of physical restrictions resulting from an injury. The restrictions may be combined with factors, such as the worker's age, education, work history, and other factors that affect the worker's ability to engage in gainful employment.

(ii) Disability does not mean a purely medical condition.

(36) "Sole proprietor" means the person who has the exclusive legal right or title to or ownership of a business enterprise.

(37) "State's average weekly wage" means the mean weekly earnings of all employees under covered employment, as defined and established annually by the department before July 1 and rounded to the nearest whole dollar number.

(38) "Temporary partial disability" means a physical condition resulting from an injury, as defined in 39-71-119, in which a worker, prior to maximum healing:

(a) is temporarily unable to return to the position held at the time of injury because of a medically determined physical restriction;

(b) returns to work in a modified or alternative employment; and

(c) suffers a partial wage loss.

(39) "Temporary service contractor" means a person, firm, association, partnership, limited liability company, or corporation conducting business that hires its own employees and assigns them to clients to fill a work assignment with a finite ending date to support or supplement the client's workforce in situations resulting from employee absences, skill shortages, seasonal workloads, and special assignments and projects.

(40) "Temporary total disability" means a physical condition resulting from an injury, as defined in this chapter, that results in total loss of wages and exists until the injured worker reaches maximum medical healing.

(41) "Temporary worker" means a worker whose services are furnished to another on a part-time or temporary basis to fill a work assignment with a finite ending date to support or supplement a workforce in situations resulting from employee absences, skill shortages, seasonal workloads, and special assignments and projects.

(42) "Treating physician" means the person who, subject to the requirements of 39-71-1101, is primarily responsible for delivery and coordination of the worker's medical services for the treatment of a worker's compensable injury or occupational disease and is:

(a) a physician licensed by the state of Montana under Title 37, chapter 3, and has admitting privileges to practice in one or more hospitals, if any, in the area where the physician is located;

(b) a chiropractor licensed by the state of Montana under Title 37, chapter 12;

(c) a physician assistant licensed by the state of Montana under Title 37, chapter 20, if there is not a treating physician, as provided for in subsection (42)(a), in the area where the physician assistant is located;

(d) an osteopath licensed by the state of Montana under Title 37, chapter 3;

(e) a dentist licensed by the state of Montana under Title 37, chapter 4;

(f) for a claimant residing out of state or upon approval of the insurer, a treating physician defined in subsections (42)(a) through (42)(e) *and (42)(h)* who is licensed or certified in another state; ~~or~~

(g) an advanced practice registered nurse licensed by the state of Montana under Title 37, chapter 8*; or*

(h) a physical therapist licensed by the state of Montana under Title 37, chapter 11.

(43) "Work-based learning activities" means job training and work experience conducted on the premises of a business partner as a component of school-based learning activities authorized by an elementary, secondary, or postsecondary educational institution.

(44) "Year", unless otherwise specified, means calendar year."

Approved April 16, 2025

CHAPTER NO. 158

[SB 104]

AN ACT EXPANDING ACCESS TO LOW-COST CAPITAL FOR 501(C)(3) ENTITIES AND OTHER PUBLIC-BENEFIT FACILITIES; INCREASING THE BOND ISSUANCE CAP FOR THE MONTANA FACILITY FINANCE AUTHORITY TO $1.5 BILLION; PROVIDING FOR A BIENNIAL INFLATIONARY ADJUSTMENT TO THE BOND ISSUANCE CAP; AMENDING SECTIONS 90-5-101, 90-7-102, 90-7-104, 90-7-225, 90-7-229, AND 90-7-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 90-5-101, MCA, is amended to read:

"**90-5-101. Definitions.** As used in this part, unless the context otherwise requires, the following definitions apply:

(1) "Agricultural enterprises" includes but is not limited to producing, warehousing, storing, fattening, treating, handling, distributing, or selling farm products or livestock.

(2) "Bonds" means bonds, refunding bonds, notes, or other obligations issued by a municipality or county under the authority of this part, including without limitation short-term bonds or notes issued in anticipation of the issuance of long-term bonds or notes.

(3) "Electric energy generation facility" means any combination of a physically connected generator or generators, associated prime movers, and other associated property and transmission facilities and upgrades and improvements of transmission facilities, including appurtenant land and improvements and personal property, that are normally operated together to produce and transfer electric power. The term includes but is not limited to generating facilities that produce and transfer electricity from coal-fired steam turbines, oil or gas turbines, wind turbines, solar power sources, fuel cells, or turbine generators that are driven by falling water.

(4) "Family services provider" means organizations, including nonprofit corporations, that provide human services for children and adults, including but not limited to early care services for children, youth services, health services, social services, habilitative services, rehabilitative services, preventive care, and supportive services, and training, educational, and referral activities in support of human services.

(5) "Governing body" means the board or body in which the general legislative powers of the municipality or county are vested.

(6) "Higher education facilities" means any real or personal properties required or useful for the operation of an institution of higher education.

(7) "Institution of higher education" means any private, nonprofit corporation or institution within the state of Montana:

(a) authorized to provide or operate educational facilities; and

(b) providing a program of education beyond the high school level.

(8) "Mortgage" means a mortgage or deed of trust or other security device.

(9) "Municipality" means any incorporated city or town in the state.

(10) "Project" means:

(a) any land, any building or other improvement, and any other real or personal property considered necessary ~~in connection with~~ *or related to* the improvement, whether or not now in existence, that must be suitable for use for commercial, manufacturing, agricultural, or industrial enterprises;

(b) recreation or tourist facilities;

(c) local, state, and federal governmental facilities;

(d) multifamily housing, hospitals, long-term care facilities, community-based facilities for individuals who are persons with developmental disabilities as defined in 53-20-102, or medical facilities;

(e) higher education facilities;

(f) electric energy generation facilities;

(g) family services provider facilities;

(h) any facilities that are used or considered necessary to create or produce any intangible item, as defined in section 197(d)(1)(C)(iii) of the Internal Revenue Code, 26 U.S.C. 197(d)(1)(C)(iii), including any patent, copyright, formula, process, design, pattern, knowledge, format, or other similar intangible item;

(i) the production of energy using an alternative renewable energy source as defined in 15-6-225; ~~and~~

(j) *a facility owned, used, or supported by an entity organized under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3); and*

(k) any combination of projects in subsections (10)(a) through ~~(10)(i)~~ *(10)(j)*."

Section 2. Section 90-7-102, MCA, is amended to read:

"**90-7-102. Definitions.** As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Authority" means the Montana facility finance authority created in 2-15-1815.

(2) "Capital reserve account" means the account established in 90-7-317.

(3) "Costs" means costs allowed under 90-7-103.

(4) "Eligible facility" means any eligible facility as defined in 90-7-104.

(5) (a) "Institution" means any public or private:

(i) nonprofit hospital, corporation, or other organization authorized to provide or operate an eligible facility in this state;

(ii) nonprofit prerelease center, corporation, or other organization authorized to operate a prerelease center in this state; or

(iii) for-profit or nonprofit corporation or other organization authorized to provide for or to operate a project*;*

(iv) ~~or a~~ *eligible* facility with qualified small issue bond financing pursuant to section 144(a) of the Internal Revenue Code, 26 U.S.C. 144(a)*.; or*

(v) nonprofit organized under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3).

(b) The term also includes the following, provided that the entity is a nonprofit entity or is controlled by one or more nonprofit entities:

(i) a network of health care providers, regardless of how it is organized;

(ii) an integrated health care delivery system;

(iii) a joint venture or partnership between or among health care providers;

(iv) a purchasing alliance composed of health care providers;

(v) any health insurers and third-party administrators that are participants in a system, network, joint venture, or partnership that provides health services through one or more health facilities.

(6) "Participating institution" means an institution that undertakes the financing, refunding, or refinancing of obligations on the construction or acquisition of an eligible facility pursuant to the provisions of this chapter.

(7) "Revenue" means, with respect to eligible facilities, the rents, fees, charges, interest, principal repayments, and other income received or to be received by the authority from any source on account of the eligible facilities."

Section 3. Section 90-7-104, MCA, is amended to read:

"**90-7-104. Eligible facility.** (1) The term "eligible facility" means any structure or building *located within the United States that is* suitable *or qualifying* for use as:

(a) a hospital, clinic, nursing home, or other health care facility as defined in 50-5-101;

(b) a public health center, as defined in 7-34-2102;

(c) a facility for persons with disabilities;

(d) a chemical dependency treatment facility;

(e) a nursing school;

(f) a medical teaching facility;

(g) a laboratory;

(h) a dental care facility;

(i) a prerelease center;

(j) a diagnostic, treatment, or surgical center;

(k) a facility providing services for the elderly;

(l) a facility owned, used, or supported by an entity organized under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3);

(m) a project as defined in 90-5-101;

~~(l)~~*(n)* ~~applicable to a project or~~ a facility with qualified small issue bond financing pursuant to section 144(a) of the Internal Revenue Code, 26 U.S.C. 144(a); or

~~(m)~~*(o)* a structure or facility related to any of the uses enumerated in subsections (1)(a) through ~~(1)(l)~~ *(1)(n)* or required or useful for the operation of an eligible facility. These related facilities include supporting service structures and all necessary, useful, and related equipment, furnishings, and appurtenances and include without limitation the acquisition, preparation, and development of all lands and real and personal property necessary or convenient as a site for any of the uses enumerated in subsections (1)(a) through ~~(1)(l)~~ *(1)(n)*.

(2) An eligible facility does not include:

(a) items such as food, fuel, supplies, or other items that are customarily considered as current operating expenses; and

(b) a structure used or to be used primarily for sectarian instruction or study or as a place for devotional activities or religious worship."

Section 4. Section 90-7-225, MCA, is amended to read:

"**90-7-225. Procedure prior to financing qualified small bond issue projects.** (1) In addition to meeting the other requirements contained in this chapter or in state or federal law, the requirements of subsections (2) through (4) must be met before financing is provided for a project described in ~~90-7-104(1)(l)~~ *90-7-104(1)(n)*.

(2) The authority shall find that the financing is in the public interest. In order to determine whether or not the financing is in the public interest, a public hearing must be conducted in the following manner:

(a) The city or county in which the project will be located must be notified of project information, including a project description, the name of the borrower, and the approximate par value of the bonds. The city and county shall, within 30 days after receipt of the notice, notify the board if it elects to conduct the hearing, even if the local government is not the issuer of the bonds.

(b) If a request for a local hearing is not received by the authority within 30 days after the notification in subsection (2)(a), the authority may hold the hearing at a time and place it determines.

(3) Notice of the authority's hearing must be published at least 7 calendar days prior to the date set for the hearing by publication on a governmental

unit website and in a newspaper of general circulation in the city or county where the hearing will be held and the project will be located. The notice must include the time and place of the hearing, a general description of the nature and location of the project, the name of the lessee, borrower, or user of the project, and the maximum principal amount of the financing to be provided by the authority.

(4) If the hearing required by subsection (2) is conducted by a local government, the governing body of the local government shall notify the authority of its determination of whether the financing is in the public interest within 14 days after the completion of the public hearing."

Section 5. Section 90-7-229, MCA, is amended to read:

"**90-7-229. Procedure prior to financing certain projects.** (1) In addition to meeting the other requirements contained in this chapter or in state or federal law, the requirements of subsections (2) through (4) must be met before financing is provided for a project described in ~~90-7-104(1)(l)~~ *90-7-104(1)(n)*.

(2) The authority shall find that the financing is in the public interest. In order to determine whether or not the financing is in the public interest, a public hearing must be conducted in the following manner:

(a) the city or county in which the project will be located must be notified, and the city and county shall, within 14 days after receipt of the notice, notify the board if it elects to conduct the hearing; or

(b) if a request for a local hearing is not received by the authority within 14 days after the notification in subsection (2)(a), the authority may hold the hearing at a time and place it determines.

(3) Notice of the hearing must be published at least 7 calendar days prior to the date set for the hearing by publication on a governmental unit website and in a newspaper of general circulation in the city or county nearest to where the hearing will be held and the project will be located. The notice must include the time and place of the hearing, a general description of the nature and location of the project, the name of the lessee, borrower, or user of the project, and the maximum principal amount of the financing to be provided by the authority.

(4) If the hearing required by subsection (2) is conducted by a local government, the governing body of the local government shall notify the authority of its determination of whether the financing is in the public interest within 14 days after the completion of the public hearing."

Section 6. Section 90-7-302, MCA, is amended to read:

"**90-7-302. Bonds and notes of authority.** (1) The authority may in each biennium borrow money and issue bonds and notes in an aggregate principal amount not to exceed ~~$500 million,~~*$1.5 billion,* exclusive of bonds or notes issued to refund outstanding bonds or notes. *Starting July 1, 2027, and each subsequent biennium, the bond issuance cap must be increased by 3% each biennium.*

(2) Bonds must be authorized. The authority may specify that the bonds must be dated and must mature, except that a bond may not mature more than 40 years from the date of its issue. Bonds must bear interest at a rate or rates, be in denominations, be in the proper registered or bearer form, be executed in a manner, be payable in a medium of payment and at a place or places, and be subject to terms of redemption that the authority may provide.

(3) All bonds, regardless of form or character, are negotiable instruments for all purposes of the Uniform Commercial Code, subject to requirements as to registration.

(4) All bonds may be sold at public or private sale in the manner, for the price or prices, and at the time or times that the authority may determine.

(5) Before the issuance of any bonds, the authority shall make provisions, by lease or other agreement, regarding the eligible facility or facilities being financed by the issue of the bonds, for rentals or other considerations sufficient, in the judgment of the authority, to:

(a) pay the principal of and interest on the bonds as they become due;

(b) create and maintain the reserves for payment of the principal and interest;

(c) meet all obligations in connection with the lease or other agreement; and

(d) meet all costs necessary to service the bonds unless the lease or agreement provides that the obligations are to be met or costs are to be paid by a party other than the authority.

(6) The authority, before issuing any bonds, shall certify that an applicant has submitted a statement that indicates that any contract let for a public project costing more than $25,000 and financed from the proceeds of bonds issued under this part will contain a provision requiring the contractor to pay the standard prevailing wage rate in effect and applicable to the district in which the work is being performed unless the contractor performing the work has entered into a collective bargaining agreement covering the work to be performed.

(7) The authority may combine, for the purposes of a single offering, bonds financing more than one eligible facility under this chapter."

Section 7. Effective date. [This act] is effective on passage and approval.

Approved April 16, 2025

CHAPTER NO. 159

[SB 64]

AN ACT CLARIFYING THE CALCULATION OF COMPENSATION AND EXPENSES FOR LEGISLATORS WHEN NOT IN SESSION; AMENDING SECTIONS 2-18-502, 5-2-302, 5-11-305, AND 5-11-708, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-18-502, MCA, is amended to read:

"**2-18-502. Computation of meal allowance.** (1) Except as provided in *5-2-302 and* subsections (2) and (4) *of this section*, an employee is eligible for the meal allowance provided in 2-18-501, only if the employee is in a travel status for more than 3 continuous hours during the following hours:

(a) for the morning meal allowance, between the hours of 12:01 a.m. and 10 a.m.;

(b) for the midday meal allowance, between the hours of 10:01 a.m. and 3 p.m.; and

(c) for the evening meal allowance, between the hours of 3:01 p.m. and 12 midnight.

(2) An eligible employee may receive:

(a) only one of the three meal allowances provided, if the travel was performed within the employee's assigned travel shift; or

(b) a maximum of two meal allowances if the travel begins before or was completed after the employee's assigned travel shift and the travel did not exceed 24 hours.

(3) "Travel shift" is that period of time beginning 1 hour before and terminating 1 hour after the employee's normally assigned work shift.

(4) An appointed member of a state board, commission, or council ~~or a member of a legislative subcommittee or select or interim committee~~ is entitled to a midday meal allowance on a day the individual is attending a meeting of the board, commission, *or* council, ~~or committee,~~ regardless of proximity of the meeting place to the individual's residence or headquarters~~. This subsection does not apply to a member of a legislative committee during a legislative session~~.

(5) The department of administration shall prescribe policies necessary to effectively administer this section for state government."

Section 2. Section 5-2-302, MCA, is amended to read:

"**5-2-302. Compensation and expenses when legislature not in session.** When the legislature is not in session, a member of the legislature, while engaged in ~~legislative business~~ *authorized interim, interim budget, or administrative committee legislative business or as otherwise provided by law, and* with prior authorization of the appropriate funding authority, is entitled to: *compensation and expenses as set forth in this section.*

(1) *A legislator participating remotely is entitled to a salary equal to one full day's pay at the rate described in 5-2-301(1) for each 24-hour period.*

(2) A legislator attending a meeting in person is entitled to the following compensation and expenses based on the number of round-trip miles from the legislator's residence to the meeting:

(a) for 100 miles or less:

(i) a salary equal to one full day's pay at the rate described in 5-2-301(1) for each 24-hour period;

(ii) a mileage allowance as provided in 2-18-503; *and*

(iii) a meal allowance for one midday meal as provided in 2-18-501;

(b) for more than 100 miles and less than 400 miles:

(i) a salary equal to two full days' pay at the rate described in 5-2-301(1);

(ii) a mileage allowance as provided in 2-18-503;

(iii) a meal allowance for two morning meals, two midday meals, and two evening meals as provided in 2-18-501; and

(iv) two nights' lodging reimbursed at the prescribed maximum standard federal rate for each day for the location; or

(c) for 400 miles or more:

(i) a salary equal to three full days' pay at the rate described in 5-2-301(1);

(ii) a mileage allowance as provided in 2-18-503;

(iii) a meal allowance for three morning meals, three midday meals, and three evening meals as provided in 2-18-501; and

(iv) two nights' lodging reimbursed at the prescribed maximum standard federal rate for each day for the location.

~~(2) expenses as provided in 2-18-501 and 2-18-502; and~~

~~(3) a salary equal to one full day's pay at the rate described in 5-2-301(1) for each 24-hour period of time (from midnight to midnight), or portion of a 24-hour period, spent on authorized interim, interim budget, or administrative committee legislative business or as otherwise provided by law. However, if~~

(3) For each additional consecutive day of legislative meetings or authorized legislative business, a legislator attending in person is entitled to the following additional compensation and expenses based on the number of round-trip miles from the legislator's residence to the meeting location:

(a) for 100 miles or less:

(i) a salary equal to one full day's pay at the rate described in 5-2-301(1);

(ii) a mileage allowance as provided in 2-18-503; and

(iii) a meal allowance for one midday meal as provided in 2-18-501; or

(b) for more than 100 miles:

(i) a salary equal to one full day's pay at the rate described in 5-2-301(1);

(ii) a meal allowance for one morning meal, one midday meal, and one evening meal as provided in 2-18-501; and

(iii) an additional night's lodging reimbursed at the prescribed maximum standard federal rate for each day for the location.

(4) If time spent for business other than authorized legislative interim, interim budget, or administrative committee business or business related to 5-11-305 results in lengthening a legislator's stay away from home into an additional 24-hour period, the legislator may not be compensated for the additional day."

Section 3. Section 5-11-305, MCA, is amended to read:

"**5-11-305. Legislative council appointments to interstate, international, and intergovernmental entities.** (1) Unless otherwise provided by law, the legislative council shall appoint legislators to serve as members of appropriate interstate, international, and intergovernmental entities.

(2) The president of the senate, the speaker of the house, the minority leader of the senate, and the minority leader of the house may recommend nominees for the legislative council's consideration in making appointments to interstate, international, and intergovernmental entities.

(3) If the legislative council appoints more than one legislator to participate as a member in an interstate, international, or intergovernmental entity, the number of legislators appointed from the majority party and the minority party must be equal.

(4) If funds are available that the legislative council has the authority to expend, the legislative council, as the appropriate funding authority, may authorize that a legislator appointed as a member to an interstate, international, or intergovernmental entity ~~be compensated,~~ *receive a salary* as provided in ~~5-2-302~~ *5-2-301(1)*~~, for salary~~ and *have travel* expenses associated with participating in an entity-sponsored activity *reimbursed as provided in 2-18-501 through 2-18-503*.

(5) If a vacancy occurs in membership to an interstate, international, or intergovernmental entity, appointment to fill the vacancy must be made in the same manner as the original appointment.

(6) The legislative council shall make appointments to any policy committee established by the Pacific Northwest economic region as provided in 5-11-707(2)."

Section 4. Section 5-11-708, MCA, is amended to read:

"**5-11-708. Compensation of certain appointees to Pacific Northwest economic region.** Legislative members appointed to the Pacific Northwest economic region under 5-11-707 are entitled to ~~compensation~~ *receive a salary* as provided in ~~5-2-302~~ *5-2-301(1) and to have travel expenses reimbursed as provided in 2-18-501 through 2-18-503*."

Section 5. Effective date. [This act] is effective on passage and approval.

Approved April 16, 2025

CHAPTER NO. 160

[SB 37]

AN ACT REVISING SCHOOL FUNDING LAWS TO CLARIFY THAT THE CALCULATIONS FOR SIGNIFICANT ENROLLMENT INCREASES ARE MADE AT THE BUDGET UNIT LEVEL; AMENDING SECTION 20-9-166,

MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 20-9-166, MCA, is amended to read:

"**20-9-166. Financial support for transportation budget amendments and significant enrollment increases.** (1) Whenever a final budget amendment has been adopted for the transportation fund, the trustees may apply to the superintendent of public instruction for an increased payment for state transportation reimbursement. The superintendent of public instruction shall adopt rules for the application for state transportation reimbursement. The superintendent of public instruction shall approve or disapprove each application for state transportation reimbursement. When the superintendent of public instruction approves an application, the superintendent of public instruction shall determine the additional amount of state transportation reimbursement that will be made available to the applicant district because of additional pupil transportation obligations. The superintendent of public instruction shall notify the applicant district of the superintendent's approval or disapproval and, in the event of approval, the amount of additional state aid that will be made available for the transportation fund. The superintendent of public instruction shall disburse the state aid to the eligible district at the time the next regular state aid payment is made.

(2) (a) When a district experiences an enrollment increase based on the October enrollment count, the district may be eligible for a significant enrollment increase payment in support of the district's general fund as described in this subsection (2). *All enrollment increases under this subsection (2) must be calculated separately for each budget unit of a school district.*

(b) To be eligible for a significant enrollment increase payment, a district's October enrollment count in the current year converted to ANB must exceed the district's budget limit ANB for the school fiscal year 3 years prior by 110% or more. The significant enrollment increase payment the district qualifies for must be calculated by the superintendent of public instruction no later than December 1 following the October enrollment count as the difference between:

(i) an amount equal to 80% of the district's total per-ANB entitlement for that fiscal year if the district's budget limit ANB was calculated using the district's actual October enrollment count minus the absorption factor; and

(ii) 80% of the district's total per-ANB entitlement for that fiscal year.

(c) (i) The superintendent of public instruction shall notify a district of the district's eligibility for a significant enrollment increase payment and the amount by December 15.

(ii) The trustees of the district shall determine at the next scheduled board meeting and no later than March 1 whether to accept the full or a partial amount of the payment and adopt a general fund budget amendment for any accepted amount. A budget amendment under this section must be made by resolution of the trustees of the district and is not subject to the requirements of other budget amendments under Title 20, chapter 9, part 1. The trustees shall provide a copy of the budget amendment to the superintendent of public instruction in a manner determined by the superintendent of public instruction.

(iii) On receiving a copy of the budget amendment, the superintendent of public instruction shall disburse from the BASE aid appropriation in House Bill No. 2 the amount of the accepted payment distributed with the remaining direct state aid payments for that fiscal year pursuant to 20-9-344.

(d) A district receiving additional financial support under this subsection (2) shall deposit the money in the district's general fund and use it to address costs associated with the enrollment increase.

(e) For the purposes of this subsection (2), "absorption factor" means an ANB amount rounded to the nearest whole number equal to the sum of 5 ANB plus 3% of the district's budget limit ANB for that fiscal year."

Section 2. Effective date. [This act] is effective July 1, 2025.

Section 3. Applicability. [This act] applies to school fiscal years beginning on or after July 1, 2025.

Approved April 16, 2025

CHAPTER NO. 161

[SB 36]

AN ACT REVISING SCHOOL FUNDING LAWS TO REMOVE EXPIRED CONTINGENCY LANGUAGE RELATED TO THE CLOSURE OF A COAL-FIRED GENERATING UNIT; AND AMENDING SECTION 20-9-638, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 20-9-638, MCA, is amended to read:

"**20-9-638. Coal-fired generating unit closure mitigation block grant.** (1) (a) The office of public instruction shall provide a coal-fired generating unit closure mitigation block grant to each school district with a fiscal year 2017 taxable valuation that includes a coal-fired generating unit with a generating capacity that is greater than or equal to 200 megawatts, was placed in service prior to 1980, and is retiring or planned for retirement on or before July 1, 2022.

(b) The electronic reporting system that is used by the office of public instruction and school districts must be used to allocate the block grant amount into each district's general fund budget as an anticipated revenue source.

(2) Each year, 70% of each district's block grant must be distributed in December and 30% of each district's block grant must be distributed in May at the same time that guaranteed tax base aid is distributed.

(3) The block grant is equal to the amount received in fiscal year 2017 by the district general fund from the block grants provided for in former 20-9-630(4)(a) as that section read prior to July 1, 2017.

~~(4) (a) If the owner of a coal-fired generating unit that is retired or planned for retirement on or before July 1, 2022, makes a payment in accordance with a retirement plan approved by the department of environmental quality or a transition agreement with the governor and attorney general for the purpose of decommissioning requirements and a portion of the payment is allocated to a school district for the purposes of school funding cost shifts, then that portion must repay to the state general fund the cost of the block grant payments under this section, as discounted in accordance with an agreement for payment to the state, on the following schedule, not to exceed the limitation provided in subsection (4)(b):~~

~~(i) if the generating unit closes prior to June 30, 2018, 100% of the total block grant payments under this section must be returned to the general fund;~~

~~(ii) if the generating unit closes during fiscal year 2019, 90% of the block grant payments under this section must be returned to the general fund;~~

~~(iii) if the generating unit closes during fiscal year 2020, 80% of the block grant payments under this section must be returned to the general fund;~~

~~(iv) if the generating unit closes during fiscal year 2021, 70% of the block grant payments under this section must be returned to the general fund; and~~

~~(v) if the generating unit closes during fiscal year 2022 or on July 1, 2022, 60% of the block grant payments under this section must be returned to the general fund.~~

~~(b) Repayment under subsection (4)(a) may not exceed the amount of any portion of a payment allocated to a school district in accordance with a retirement plan or a transition plan.~~"

Approved April 16, 2025

CHAPTER NO. 162

[SB 35]

AN ACT REVISING EDUCATION LAWS TO CLARIFY THE FUNDING AND ENROLLMENT COUNTS FOR A CHILD PARTICIPATING IN AN EARLY LITERACY JUMPSTART PROGRAM IN A SCHOOL DISTRICT OTHER THAN THE CHILD'S RESIDENT SCHOOL DISTRICT; AMENDING SECTIONS 20-7-1804 AND 20-9-311, MCA; AND PROVIDING AN EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 20-7-1804, MCA, is amended to read:

"**20-7-1804. Early literacy targeted interventions -- funding -- reporting.** (1) An eligible child participating in a classroom-based program pursuant to 20-7-1803(5) must be included in enrollment counts for the purpose of ANB calculations in the manner described in 20-9-311.

(2) The superintendent of public instruction shall pay for the costs for an eligible child participating in a home-based program pursuant to 20-7-1803(6) from funds appropriated for this purpose. The cost for each child may not exceed $1,000 a year. If the annual appropriation for this program is not sufficient to fully fund all eligible children participating in the home-based program, the superintendent shall limit participation on a first-come, first-served basis.

(3) An eligible child participating in a jumpstart program pursuant to 20-7-1803(7) must be counted as quarter-time enrollment *by the school district providing the jumpstart program to the child* for the purpose of ANB calculations pursuant to 20-9-311. *An eligible child participating in a jumpstart program provided by a district other than the child's resident school district does not require an out-of-district attendance agreement and is not subject to the tuition laws under 20-5-320 through 20-5-324.*

(4) Trustees offering an early literacy targeted intervention shall closely monitor the program and report annually to the superintendent of public instruction on the efficacy of the program no later than July 15. The superintendent shall collaborate with trustees in maximizing the efficiency of fulfilling this reporting requirement. The report must include anonymized information on student progress, including the student's performance on:

(a) the evaluation methodology that led to eligibility for the program;

(b) any formative assessments administered;

(c) if administered, the evaluation methodology at the end of the school year in which intervention was provided; and

(d) any statewide reading assessments administered in grades 4 through 6.

(5) Pursuant to 20-7-104, the superintendent of public instruction shall monitor early literacy targeted interventions and gather data to evaluate the efficacy of the interventions while protecting the privacy rights of students

and families. The superintendent shall report, in accordance with 5-11-210, to the education interim committee and the education interim budget committee no later than September 1 annually. The report must contain a comparison analysis by intervention type, including no intervention, and must include:

(a) the number of participating and nonparticipating children and districts;

(b) longitudinal data displaying the proficiency level of participating and nonparticipating children at each grade level following participation in an intervention;

(c) at a time when the data is available, long-term outcome data for participants and nonparticipants, including but not limited to:

(i) assessment data in 8th grade and high school;

(ii) high school graduation rates; and

(iii) postsecondary participation rates; and

(d) a list of schools offering one or more targeted interventions and a list of the matched comparable nonparticipating schools that on the most recent 4th grade statewide reading assessment:

(i) had 75% or more of its students score at proficient or above; or

(ii) improved the percentage of students scoring at proficient or above by 10 or more percentage points."

Section 2. Section 20-9-311, MCA, is amended to read:

"**20-9-311. Calculation of average number belonging (ANB) -- 3-year averaging.** (1) Average number belonging (ANB) must be computed for each budget unit as follows:

(a) compute an average enrollment by adding a count of regularly enrolled pupils who were enrolled as of the first Monday in October of the prior school fiscal year to a count of regularly enrolled pupils on the first Monday in February of the prior school fiscal year or the next school day if those dates do not fall on a school day, and divide the sum by two; and

(b) multiply the average enrollment calculated in subsection (1)(a) by the sum of 180 and the approved pupil-instruction-related days for the current school fiscal year and divide by 180.

(2) For the purpose of calculating ANB under subsection (1), up to 7 approved pupil-instruction-related days may be included in the calculation.

(3) When a school district has approval to operate less than the minimum aggregate hours under 20-9-806, the total ANB must be calculated in accordance with the provisions of 20-9-805.

(4) (a) Except as provided in subsection (4)(d), for the purpose of calculating ANB, enrollment in an education program:

(i) from 180 to 359 aggregate hours of pupil instruction per school year is counted as one-quarter-time enrollment;

(ii) from 360 to 539 aggregate hours of pupil instruction per school year is counted as half-time enrollment;

(iii) from 540 to 719 aggregate hours of pupil instruction per school year is counted as three-quarter-time enrollment; and

(iv) 720 or more aggregate hours of pupil instruction per school year is counted as full-time enrollment.

(b) Except as provided in subsection (4)(d), enrollment in a program intended to provide fewer than 180 aggregate hours of pupil instruction per school year may not be included for purposes of ANB.

(c) Enrollment in a self-paced program or course may be converted to an hourly equivalent based on the hours necessary and appropriate to provide the course within a regular classroom schedule.

(d) A school district may include in its calculation of ANB a pupil who is enrolled in a program providing fewer than the required aggregate hours of

pupil instruction required under subsection (4)(a) or (4)(b) if the pupil has demonstrated proficiency in the content ordinarily covered by the instruction as determined by the school board using district assessments. The ANB of a pupil under this subsection (4)(d) must be converted to an hourly equivalent based on the hours of instruction ordinarily provided for the content over which the student has demonstrated proficiency.

(e) (i) Except as provided in subsection (4)(e)(ii), a pupil in kindergarten through grade 12 who is concurrently enrolled in more than one public school, program, or district may not be counted as more than one full-time pupil for ANB purposes. When a pupil is concurrently enrolled in more than one district, any fractional enrollment under subsection (4)(a) must be attributed first to a pupil's nonresident district.

(ii) A pupil who participates in a jumpstart program under Title 20, chapter 7, part 18, may be counted as up to 1 1/4 enrollment for ANB purposes. A district *providing a jumpstart program* shall add one-quarter enrollment for a pupil who participated in ~~an~~ *the district's* early literacy jumpstart program to the pupil's regular enrollment count under this subsection (4) in both the October and February enrollment counts following the student's participation in the jumpstart program.

(5) For a district that is transitioning from a half-time to a full-time kindergarten program, the state superintendent shall count kindergarten enrollment in the previous year as full-time enrollment for the purpose of calculating ANB for the elementary programs offering full-time kindergarten in the current year. For the purposes of calculating the 3-year ANB, the superintendent of public instruction shall count the kindergarten enrollment as one-half enrollment and then add the additional kindergarten ANB to the 3-year average ANB for districts offering full-time kindergarten.

(6) When a pupil has been absent, with or without excuse, for more than 10 consecutive school days, the pupil may not be included in the enrollment count used in the calculation of the ANB unless the pupil resumes attendance prior to the day of the enrollment count.

(7) (a) The enrollment of preschool pupils, as provided in 20-7-117, may not be included in the ANB calculations.

(b) Except as provided in subsection (7)(c), a pupil who has reached 19 years of age by September 10 of the school year may not be included in the ANB calculations.

(c) A pupil with disabilities who is over 19 years of age and has not yet reached 21 years of age by September 10 of the school year and who is receiving special education services from a school district pursuant to 20-7-411(4)(a) may be included in the ANB calculations if:

(i) the student has not graduated;

(ii) the student is eligible for special education services and is likely to be eligible for adult services for individuals with developmental disabilities due to the significance of the student's disability; and

(iii) the student's individualized education program has identified transition goals that focus on preparation for living and working in the community following high school graduation since age 16 or the student's disability has increased in significance after age 16.

(d) A school district providing special education services pursuant to subsection (7)(c) is encouraged to collaborate with agencies and programs that serve adults with developmental disabilities in meeting the goals of a student's transition plan.

(8) The average number belonging of the regularly enrolled pupils for the public schools of a district must be based on the aggregate of all the regularly enrolled pupils attending the schools of the district, except that:

(a) the ANB is calculated as a separate budget unit when:

(i) a school of the district is located more than 20 miles beyond the incorporated limits of a city or town located in the district and at least 20 miles from any other school of the district, the number of regularly enrolled pupils of the school must be calculated as a separate budget unit for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;

(ii) a school of the district is located more than 20 miles from any other school of the district and incorporated territory is not involved in the district, the number of regularly enrolled pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;

(iii) the superintendent of public instruction approves an application not to aggregate when geographic barriers exist affecting transportation, such as poor roads, mountains, rivers, or other obstacles to travel, that would result in an unusual hardship to the pupils of the school if they were transported to another school, the number of regularly enrolled pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district; or

(iv) two or more districts consolidate or annex under the provisions of 20-6-422 or 20-6-423, the ANB and the basic entitlements of the component districts must be calculated separately for a period of 3 years following the consolidation or annexation. Each district shall retain a percentage of its basic entitlement for 3 additional years as follows:

(A) 75% of the basic entitlement for the fourth year;

(B) 50% of the basic entitlement for the fifth year; and

(C) 25% of the basic entitlement for the sixth year.

(b) when a junior high school has been approved and accredited as a junior high school, all of the regularly enrolled pupils of the junior high school must be considered as high school district pupils for ANB purposes;

(c) when a middle school has been approved and accredited, all pupils below the 7th grade must be considered elementary school pupils for ANB purposes and the 7th and 8th grade pupils must be considered high school pupils for ANB purposes; or

(d) when a school has been designated as nonaccredited by the board of public education because of failure to meet the board of public education's assurance and performance standards, the regularly enrolled pupils attending the nonaccredited school are not eligible for average number belonging calculation purposes, nor will an average number belonging for the nonaccredited school be used in determining the BASE funding program for the district.

(9) The district shall provide the superintendent of public instruction with semiannual reports of school attendance, absence, and enrollment for regularly enrolled students, using a format determined by the superintendent.

(10) (a) Except as provided in subsections (10)(b) and (10)(c), enrollment in a basic education program provided by the district through any combination of in-person or remote instruction may be included for ANB purposes only if the pupil is offered access to the complete range of educational services for the basic education program required by the accreditation standards adopted by the board of public education.

(b) Access to school programs and services for a student placed by the trustees in a private program for special education may be limited to the programs and services specified in an approved individual education plan supervised by the district.

(c) Access to school programs and services for a student who is incarcerated in a facility, other than a youth detention center, may be limited to the programs and services provided by the district at district expense under an agreement with the incarcerating facility.

(d) This subsection (10) may not be construed to require a school district to offer access to activities governed by an organization having jurisdiction over interscholastic activities, contests, and tournaments to a pupil who is not otherwise eligible under the rules of the organization.

(11) A district may include only, for ANB purposes, an enrolled pupil who is otherwise eligible under this title and who is:

(a) a resident of the district or a nonresident student admitted by trustees under a student attendance agreement and who is attending a school or an offsite instructional setting of the district;

(b) unable to attend school due to a medical reason certified by a medical doctor and receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;

(c) unable to attend school due to the student's incarceration in a facility, other than a youth detention center, and who is receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;

(d) receiving special education and related services, other than day treatment, under a placement by the trustees at a private nonsectarian school or private program if the pupil's services are provided at the district's expense under an approved individual education plan supervised by the district;

(e) participating in the running start program at district expense under 20-9-706;

(f) receiving educational services, provided by the district, using appropriately licensed district staff at a private residential program or private residential facility licensed by the department of public health and human services;

(g) enrolled in an educational program or course provided at district expense using remote delivery methods, including but not limited to tutoring, distance learning programs, online programs, and technology delivered learning programs. The pupil:

(i) must meet the residency requirements for that district as provided in 1-1-215;

(ii) shall live in the district and must be eligible for educational services under the Individuals With Disabilities Education Act or under 29 U.S.C. 794; or

(iii) must be enrolled in the educational program or course under a mandatory attendance agreement as provided in 20-5-321; or

(iv) must be receiving remote instruction under 20-7-118(1)(c).

(h) a resident of the district attending the Montana youth challenge program or a Montana job corps program under an interlocal agreement with the district under 20-9-707.

(12) A district shall, for ANB purposes, calculate the enrollment of an eligible Montana youth challenge program participant as half-time enrollment.

(13) (a) A district may, for ANB purposes, include in the October and February enrollment counts an individual who is otherwise eligible under this title and who during the prior school year:

(i) resided in the district;

(ii) was not enrolled in the district or was not enrolled full time; and

(iii) completed an extracurricular activity with a duration of at least 6 weeks.

(b) (i) Except as provided in subsection (13)(b)(ii), each completed extracurricular activity under subsection (13)(a) may be counted as one-sixteenth enrollment for the individual, but under this subsection (13) the individual may not be counted as more than one full-time enrollment for ANB purposes.

(ii) Each completed extracurricular activity lasting longer than 18 weeks may be counted as one-eighth enrollment.

(c) For the purposes of this section, "extracurricular activity" means:

(i) a sport or activity sanctioned by an organization having jurisdiction over interscholastic activities, contests, and tournaments;

(ii) an approved career and technical student organization, pursuant to 20-7-306; or

(iii) a school theater production.

(14) (a) For an elementary or high school district that has been in existence for 3 years or more, the district's maximum general fund budget and BASE budget for the ensuing school fiscal year must be calculated using the current year ANB for all budget units or the 3-year average ANB for all budget units, whichever generates the greatest maximum general fund budget.

(b) For a K-12 district that has been in existence for 3 years or more, the district's maximum general fund budget and BASE budget for the ensuing school fiscal year must be calculated separately for the elementary and high school programs pursuant to subsection (14)(a) and then combined.

(15) The term "3-year ANB" means an average ANB over the most recent 3-year period, calculated by:

(a) adding the ANB for the budget unit for the ensuing school fiscal year to the ANB for each of the previous 2 school fiscal years; and

(b) dividing the sum calculated under subsection (15)(a) by three."

Section 3. Effective date. [This act] is effective July 1, 2025.

Section 4. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to early literacy jumpstart programs conducted following the end of the school calendar year ending in 2025.

Approved April 16, 2025

CHAPTER NO. 163

[SB 34]

AN ACT GENERALLY REVISING LAWS RELATED TO K-12 SCHOOL DISTRICTS; REMOVING OBSOLETE LANGUAGE REGARDING TUITION CALCULATIONS; CLARIFYING THE BUDGET LIMIT CALCULATIONS FOR A NEW K-12 SCHOOL DISTRICT; AMENDING SECTIONS 20-6-702 AND 20-6-703, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 20-6-702, MCA, is amended to read:

"**20-6-702. Funding for K-12 school districts.** (1) Notwithstanding the provisions of subsections (2) through (6), a K-12 school district formed under

the provisions of 20-6-701 is subject to the provisions of law for high school districts.

(2) The number of elected trustees of the K-12 school district must be based on the classification of the attached elementary district under the provisions of 20-3-341 and 20-3-351.

(3) Calculations for the following must be made separately for the elementary school program and the high school program of a K-12 school district:

(a) the calculation of ANB for purposes of determining the total per-ANB entitlements must be in accordance with the provisions of 20-9-311;

(b) the basic county tax for elementary equalization and revenue for the elementary BASE funding program for the district must be determined in accordance with the provisions of 20-9-331, and the basic county tax for high school equalization and revenue for the high school BASE funding program for the district must be determined in accordance with 20-9-333;

(c) the guaranteed tax base aid for BASE funding program purposes for a K-12 school district must be calculated separately, using each district's guaranteed tax base ratio, as defined in 20-9-366. The BASE budget levy to be levied for the K-12 school district must be prorated based on the ratio of the BASE funding program amounts for elementary school programs to the BASE funding program amounts for high school programs.

(d) the levy authority limits under 20-9-502(3) and the corresponding state school major maintenance aid under 20-9-525(3) for a K-12 school district must be calculated separately for the K-12 school district's elementary and high school programs in the same manner as those limits and aid would be calculated if the K-12 school district consisted of a separate elementary and high school district.

(4) The retirement obligation and eligibility for retirement guaranteed tax base aid for a K-12 school district must be calculated and funded as a high school district retirement obligation under the provisions of 20-9-501.

(5) For the purposes of budgeting for a K-12 school district, the trustees shall adopt a single fund for any of the budgeted or nonbudgeted funds described in 20-9-201 for the costs of operating all grades and programs of the district.

(6) Tuition for attendance in the K-12 school district must be determined separately for high school pupils and for elementary pupils under the provisions of 20-5-320 through 20-5-324~~, except that the actual expenditures used for calculations in 20-5-323 must be based on an amount prorated between the elementary and high school programs in the appropriate funds of each district in the year prior to the attachment of the districts~~."

Section 2. Section 20-6-703, MCA, is amended to read:

"**20-6-703. Transitions after formation of K-12 school district.** (1) When an attachment order for a K-12 school district becomes effective on July 1 under the provisions of 20-6-701:

(a) the county superintendent shall order the trustees to execute all necessary and appropriate deeds, bills of sale, or other instruments for the conveyance of title to all real and personal property of the elementary district to the high school district;

(b) the trustees of the elementary district shall entrust the minutes of the board of trustees, the elementary district documents, and other records to the high school district to which it is attached; and

(c) the county treasurer shall transfer all end-of-the-year warrants and fund balances of the attached elementary district to the similar funds established for the K-12 school district in the high school district.

(2) All taxes levied by and revenue due from a previous school fiscal year to an elementary district attached to a high school district must be payable to the appropriate fund of the high school district.

(3) The previous year's general fund budget amounts for the elementary district and the high school district that form a K-12 school district must be ~~combined~~ *used* to determine the budget limitation for the ensuing school fiscal year pursuant to *the calculations described in* 20-9-308*(1)(b)*."

Section 3. Effective date. [This act] is effective July 1, 2025.

Approved April 16, 2025

CHAPTER NO. 164

[SB 33]

AN ACT TRANSFERRING AUTHORITY AND RESPONSIBILITY FOR PLAN REVIEW, PERMITTING, INSPECTION, AND BUILDING CODE ENFORCEMENT FOR PUBLIC BUILDINGS OWNED OR OPERATED BY STATE AGENCIES TO THE DEPARTMENT OF LABOR AND INDUSTRY; AND AMENDING SECTION 50-60-106, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 50-60-106, MCA, is amended to read:

"**50-60-106. Powers and duties of counties, cities, and towns.** (1) ~~As~~ *Except as provided in subsection (6), as* allowed by Title 50, chapter 60, part 3, the examination, approval, or disapproval of plans and specifications, the issuance and revocation of building permits, licenses, certificates, and similar documents, the inspection of buildings, and the administration and enforcement of building regulations within the limits of a city or town are the responsibility of the city or town. ~~The~~ *Except as provided in subsection (6), the* examination, approval, or disapproval of plans and specifications, the issuance and revocation of building permits, licenses, certificates, and similar documents, the inspection of buildings, and the administration and enforcement of building regulations within the portion of a county that is covered by a county building code enforcement program are the responsibility of the county.

(2) ~~Each~~ *Except as provided in subsection (6), each* county, city, or town certified under 50-60-302 shall, within its jurisdictional area:

(a) examine, approve, or disapprove plans and specifications for the construction of any building, the construction of which is pursuant or purports to be pursuant to the applicable provisions of the state building code or county, city, or town building code, and direct the inspection of the buildings during and in the course of construction;

(b) require that construction of buildings be in accordance with the applicable provisions of the state building code or county, city, or town building code, subject to the powers of variance or modification granted to the department;

(c) make available to building contractors at a price that is commensurate with reproduction costs a checklist devised by the department pursuant to 50-60-118 for single-family dwellings and provide to contractors who attach a completed checklist to the plans submitted for examination the relevant building permit or notice of plan disapproval within 10 working days of the contractor's submission;

(d) during and in the course of construction, order in writing the remedying of any condition found to exist in, on, or about any building that is being constructed in violation of the state building code or county, city, or town

building code. Orders may be served upon the owner or the owner's authorized agent personally or by sending by certified mail a copy of the order to the owner or the owner's authorized agent at the address set forth in the application for permission for the construction of the building. A county, city, or town certified pursuant to 50-60-302, by action of its building official, may grant in writing time as may be reasonably necessary for achieving compliance with the order. For the purposes of subsection (2)(a) and this subsection (2)(d), the phrase "during and in the course of construction" refers to the construction of a building until all necessary building permits have been obtained and all work authorized by those permits has been fully approved by the building official having jurisdiction.

(e) issue certificates of occupancy as provided in 50-60-107;

(f) issue permits, licenses, and other required documents in connection with the construction of a building;

(g) ensure that all construction-related fees or charges imposed and collected by the county, city, or town are necessary, reasonable, and uniform and are:

(i) except as provided in subsection (2)(g)(iii), used only for activities in support of reviewing and issuing a building permit and for building code enforcement, which consists of those necessary and reasonable costs directly and specifically identifiable for the enforcement of building codes, plus indirect costs charged on the same basis as other local government proprietary funds not paying administrative charges as direct charges. If indirect costs are waived for any local government proprietary fund, they must also be waived for the program established in this section. Indirect charges are limited to the charges that are allowed under federal cost accounting principles that are applicable to a local government.

(ii) reduced if the amount of the fees or charges accumulates above the amount needed to enforce building codes for 36 months. The excess must be placed in a reserve account and may be used only for building code enforcement. Collection and expenditure of fees and charges must be fully documented.

(iii) allocated and remitted to the department, in an amount not to exceed 0.5% of the building fees or charges collected, for the building codes education program established in 50-60-116.

(3) ~~Each~~ *Except as provided in subsection (6), each* county, city, or town with a building code enforcement program that has been certified under 50-60-302 may, within the area of its jurisdiction:

(a) make, amend, and repeal rules for the administration and enforcement of the provisions of this section and for the collection of fees and charges related to construction; and

(b) prohibit the commencement of construction until a permit has been issued by the building code enforcement authority having jurisdiction after a showing of compliance with the requirements of the applicable provisions of the state building code or county, city, or town building code or other county, city, or town ordinance or resolution that pertains to the proposed construction. A county, city, or town subject to this subsection (3) may, as part of its building code or by town ordinance or resolution, adopt voluntary energy conservation standards for new construction for the purpose of providing incentives to encourage voluntary energy conservation. The incentive-based energy conservation standards adopted may exceed any applicable energy conservation standards contained in the state building code. New construction is not required to meet local standards that exceed state energy conservation standards unless the building contractor elects to receive a local incentive.

(4) ~~Each~~ *Except as provided in subsection (6), each* county, city, or town with a building code enforcement program that has been certified under 50-60-302

may perform inspections of buildings that are outside its jurisdictional limits, subject to the following conditions:

(a) The inspections are requested in writing by the owners or builders of the buildings to be inspected.

(b) The inspections are not done in lieu of inspections by another county, city, or town that has jurisdiction over the buildings to be inspected.

(c) (i) The county, city, or town powers of enforcement possessed as a result of building code enforcement certification by the department may not be exercised in conjunction with the requested inspections.

(ii) Similar powers of building code enforcement may not be contractually created or required by the requester and the inspecting jurisdiction.

(5) In situations in which buildings may be annexed into an inspecting city's or town's jurisdiction subsequent to a requested inspection, the city or town may not require owners or builders to have duplicative inspections of those buildings prior to annexation as a condition precedent to receiving any public services or utilities.

(6) All buildings owned by any state agency are subject to the jurisdiction of the department for purposes of all plan reviews, permitting, and inspections. In performing plan reviews, permitting, and inspections, the department shall provide to affected cities, towns, and counties the building plans and an opportunity to provide comment. The department shall notify the local jurisdictions of actions taken and transmit to the local jurisdiction copies of final building plans."

Approved April 16, 2025

CHAPTER NO. 165

[SB 29]

AN ACT ALLOWING ELECTRONIC BID BONDS FOR STATE BUILDING OR CONSTRUCTION PROJECTS; AND AMENDING SECTION 18-2-302, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 18-2-302, MCA, is amended to read:

"**18-2-302. Bid security -- waiver -- authority to submit.** (1) (a) Except as provided in subsection (2), each bid must be accompanied by bid security in the amount of 10% of the bid. The security may consist of cash, a cashier's check, a certified check, a bank money order, a certificate of deposit, a money market certificate, an irrevocable letter of credit, or a bank draft. The security must be:

(i) drawn and issued by a federally chartered or state-chartered bank or savings and loan association that is insured by or for which insurance is administered by the federal deposit insurance corporation;

(ii) drawn and issued by a credit union insured by the national credit union share insurance fund; or

(iii) a bid bond or bonds executed by a surety company authorized to do business in the state of Montana. *The state or other governmental entity may accept electronic bid bonds signed electronically or otherwise verified by the bidder and the surety.*

(b) The state or other governmental entity may not require that a bid bond or bond provided for in subsection (1)(a)(iii) be furnished by a particular surety company or by a particular insurance producer for a surety company.

(2) The state or other governmental entity may waive the requirements for bid security on building or construction projects, as defined in 18-2-101, that cost less than $150,000.

(3) The bid security must be signed by an individual authorized to submit the security by the corporation or other business entity on whose behalf the security is submitted. If the request for bid or other specifications provided by the state or other governmental entity specify the form or content of the bid security, the security submitted must comply with the requirements of that specification."

Approved April 16, 2025

CHAPTER NO. 166

[SB 12]

AN ACT ELIMINATING THE BOARD OF COUNTY PRINTING AND TRANSFERRING ITS DUTIES TO THE DEPARTMENT OF ADMINISTRATION; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 18-7-401, 18-7-402, 18-7-404, AND 18-7-405, MCA; AND REPEALING SECTIONS 2-15-1026 AND 18-7-403, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 18-7-401, MCA, is amended to read:

"**18-7-401. Purpose of part.** The purpose of this part is to provide:

(1) for the ~~board of county printing~~ *department of administration* to set maximum prices that may be charged for county legal advertising; and

(2) for the purchase of county printed forms and materials."

Section 2. Section 18-7-402, MCA, is amended to read:

"**18-7-402. Definition.** Unless the context requires otherwise, in this part ~~"board"~~ *"department"* means the ~~board of county printing~~ *department of administration* provided for in ~~2-15-1026~~ *2-15-1001*."

Section 3. Section 18-7-404, MCA, is amended to read:

"**18-7-404. Establishment of maximum prices -- *rulemaking*.** (1) The ~~board shall adopt, by rule, and publish a schedule of~~ maximum prices to be charged for county legal advertising *is $14 for each folio for the first insertion, with a follow-on rate of $12 for each folio for any subsequent insertion.*

(2) *(i)* The ~~board~~ *department* shall ~~conduct hearings when required to determine maximum rates for county legal advertising. Notice of the hearing must be mailed to the Montana association of counties and the Montana newspaper association~~ *annually adjust the maximum prices in subsection (1) using the lower of an inflation factor of 2% or the actual inflation determined by the consumer price index for all urban consumers as published by the bureau of labor statistics of the United States department of labor. The adjusted prices become effective on March 1 of each year.*

(ii) The department shall publish the adjusted prices as a rule.

(3) The ~~board~~ *department* shall deliver, free of charge, to each board of county commissioners in this state a copy of every schedule of maximum prices adopted by the ~~board~~ *department* within 30 days of its publication~~, together with a notice of the date fixed by the board when the prices will be effective~~.

(4) The county commissioners shall require each establishment that prints county legal advertising to verify that:

(a) the legal advertisement was published on the dates ordered by the county and in the style set by the ~~board~~ *department*; and

(b) the price was not in excess of the maximum price set by the ~~board~~ *department*.

(5) The ~~board~~ *department* may not establish maximum prices for printed county forms."

Section 4. Section 18-7-405, MCA, is amended to read:

"**18-7-405. Adoption of printing standards.** The ~~board~~ *department* shall adopt necessary standards for typeface, type size, type style, and type leading for county legal advertising."

Section 5. Repealer. The following sections of the Montana Code Annotated are repealed:

2-15-1026. Board of county printing -- composition -- allocation -- compensation.

18-7-403. Meetings of board of county printing.

Section 6. Transition. A person appointed to the board of county printing shall serve until [the effective date of this act].

Approved April 16, 2025

CHAPTER NO. 167

[SB 9]

AN ACT ALLOWING STATE AGENCIES TO DEPOSIT CASH THAT DOES NOT EXCEED $200 AND TOTAL COLLECTIONS THAT DO NOT EXCEED $750 EVERY 14 DAYS INSTEAD OF WEEKLY; AMENDING SECTION 17-6-105, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 17-6-105, MCA, is amended to read:

"**17-6-105. State treasurer as treasurer of state agencies -- deposits of money.** (1) The state treasurer is designated the treasurer of every state agency and institution.

(2) All state agencies shall deposit all money, credits, evidences of indebtedness, and securities either:

(a) in banks, building and loan associations, savings and loan associations, or credit unions located in the city or town in which the agencies are situated, if there is a qualified bank, building and loan association, savings and loan association, or credit union in the city or town as designated by the state treasurer with the approval of the board of investments; or

(b) with the state treasurer.

(3) Each bank, building and loan association, savings and loan association, or credit union shall pledge securities sufficient to cover 50% of the deposits at all times.

(4) The deposits must be made in the name of the state treasurer, must be subject to withdrawal at the treasurer's option, and must draw interest as other state money, in accordance with the provisions of this part.

(5) This chapter does not impair or otherwise affect any covenant entered into pursuant to law by any agency respecting the segregation, deposit, and investment of any revenue or funds pledged for the payment and security of bonds or other obligations authorized to be issued by the agency, and all the funds must be deposited and invested in accordance with the covenants notwithstanding any provision of this chapter.

(6) Except as otherwise provided by law and subject to subsection (8), all money, credits, evidences of indebtedness, and securities received by a state agency must be deposited with the state treasurer or in a depository approved

by the state treasurer each day when the accumulated amount of coin and currency requiring deposit exceeds $200 or total collections exceed $750. All money, credits, evidences of indebtedness, and securities collected must be deposited at least ~~weekly~~ *every 14 days*.

(7) Whenever the department determines that it is in the best financial interest of the state, the department may require any money received or collected by any agency to be immediately deposited to the credit of the state treasurer.

(8) (a) An agency may propose a modified deposit schedule, including proposed internal controls, to the department that is different from the deposit schedule requirements of subsection (6). Upon receiving a proposal, the department shall transmit a copy of the proposal to the board of investments. The department shall review the proposal to ensure that deposits are made ~~at least weekly~~ *every 14 days* unless the requesting agency shows hardship due to peak processing times.

(b) (i) The department shall review the proposal to ensure adequate internal controls over amounts to be deposited.

(ii) The board of investments shall review the proposal to ensure that state assets and earnings on the assets are maximized.

(c) (i) If the department and the board of investments each approves of the proposal, the department shall notify the agency that the proposal is approved and the department and the agency may proceed to implement the proposal.

(ii) If the department or the board of investments disapproves the proposal, the department shall notify the agency that the proposal is disapproved.

(9) On or before September 15 immediately preceding a regular legislative session, the department shall submit to the legislative fiscal analyst and the legislative auditor a report detailing all active accounts for which a modified deposit schedule has been approved under subsection (8).

(10) For the purposes of this section, "agency" has the meaning provided in 17-1-104 and includes a contractor of an agency if the contractor collects at least $50,000 annually on behalf of the state from all sources."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved April 16, 2025

CHAPTER NO. 168

[SB 5]

AN ACT REVISING THE COMPENSATION FOR COUNTY TAX APPEAL BOARD MEMBERS; AMENDING SECTION 15-15-101, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-15-101, MCA, is amended to read:

"**15-15-101. County tax appeal board -- meetings and compensation.** (1) The board of county commissioners of each county shall appoint a county tax appeal board, with a minimum of three members and with the members to serve staggered terms of 3 years each. The members of each county tax appeal board must be residents of the county in which they serve. A person may not be a member of a county tax appeal board if the person was an employee of the department less than 36 months before the date of appointment.

(2) (a) The members receive compensation as provided in subsection (2)(b) and travel expenses, as provided for in 2-18-501 through 2-18-503, only when

the county tax appeal board meets to hear taxpayers' appeals from property tax assessments or when they are attending meetings called by the Montana tax appeal board. Travel expenses and compensation must be paid from the appropriation to the Montana tax appeal board.

(b) (i) The daily compensation for a member is as follows:

(A) ~~$45~~ *$60* for 4 hours of work or less; and

(B) ~~$90~~ *$120* for more than 4 hours of work.

(ii) For the purpose of calculating work hours in this subsection (2)(b), work includes hearing tax appeals, deliberating with other board members, and attending meetings called by the Montana tax appeal board.

(3) Office space and equipment for the county tax appeal boards must be furnished by the county. All other incidental expenses must be paid from the appropriation of the Montana tax appeal board.

(4) The county tax appeal board shall hold an organizational meeting each year on the date of its first scheduled hearing, immediately before conducting the business for which the hearing was otherwise scheduled. At the organizational meeting, the members shall choose one member as the presiding officer of the board. The county tax appeal board shall continue in session from July 1 of the current tax year until December 31 of the current tax year to hear protests concerning assessments made by the department until the business of hearing protests is disposed of and may meet after December 31 to hear an appeal at the discretion of the county tax appeal board.

(5) In counties that have appointed more than three members to the county tax appeal board, only three members shall hear each appeal. The presiding officer shall select the three members hearing each appeal.

(6) In connection with an appeal, the county tax appeal board may change any assessment or fix the assessment at some other level. Upon notification by the county tax appeal board, the county clerk and recorder shall publish a notice to taxpayers, giving the time the county tax appeal board will be in session to hear scheduled protests concerning assessments and the latest date the county tax appeal board may take applications for the hearings. The notice must be published in a newspaper if any is printed in the county or, if none, then in the manner that the county tax appeal board directs. The notice must be published by May 15 of the current tax year.

(7) Challenges to a department rule governing the assessment of property or to an assessment procedure apply only to the taxpayer bringing the challenge and may not apply to all similarly situated taxpayers unless an action is brought in the district court as provided in 15-1-406."

Section 2. Effective date. [This act] is effective July 1, 2025.

Approved April 16, 2025

CHAPTER NO. 169

[SB 200]

AN ACT GENERALLY REVISING COOPERATIVE LAWS; ESTABLISHING OUT-OF-STATE COOPERATIVE ASSOCIATION RIGHTS, EXEMPTIONS, AND PRIVILEGES; PROVIDING DEFINITIONS; AND AMENDING SECTIONS 2-15-401, 35-17-103, 35-17-104, AND 35-17-202, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-15-401, MCA, is amended to read:

"**2-15-401. Duties of secretary of state -- authority.** (1) In addition to the duties prescribed by the constitution, the secretary of state shall:

(a) attend at every session of the legislature for the purpose of receiving bills and resolutions and to perform other duties as may be devolved on the secretary of state by resolution of the two houses or either of them;

(b) keep a register of and attest the official acts of the governor, including all appointments made by the governor, with date of commission and names of appointees and predecessors;

(c) affix the great seal, with the secretary of state's attestation, to commissions, pardons, and other public instruments to which the official signature of the governor is required;

(d) record in proper books all articles of incorporation filed in the secretary of state's office;

(e) take and file receipts for all books distributed by the secretary of state and direct the county clerk of each county to take and file receipts for all books distributed by the county clerk;

(f) certify to the governor the names of those persons who have received at any election the highest number of votes for any office, the incumbent of which is commissioned by the governor;

(g) furnish, on demand, to any person paying the fees, a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in the secretary of state's office;

(h) keep a fee book in which must be entered all fees, commissions, and compensation earned, collected, or charged, with the date, name of payer, paid or unpaid, and the nature of the service in each case, which must be verified annually by the secretary of state's affidavit entered in the fee book;

(i) file in the secretary of state's office descriptions of seals in use by the different state officers;

(j) discharge the duties of a member of the board of examiners and of the board of land commissioners and all other duties required by law;

(k) register marks as provided in Title 30, chapter 13, part 3;

(l) report to the legislature in accordance with 5-11-210 all watercourse name changes received pursuant to 85-2-134 for publication in the Laws of Montana;

(m) keep a register of all applications for pardon or for commutation of any sentence, with a list of the official signatures and recommendations in favor of each application;

(n) establish and maintain a central filing system that complies with the requirements of a central filing system pursuant to 7 U.S.C. 1631 and use the information in the central filing system for the purposes of 7 U.S.C. 1631.

(2) The secretary of state may:

(a) develop and implement a statewide electronic filing system as described in 2-15-404; and

(b) adopt rules for the effective administration of the secretary of state's duties relating to the Montana Administrative Procedure Act established in Title 2, chapter 4.

(3) (a) Except for a cooperative organized and incorporated to do business under Title 35, chapter 15, 16, 17, or 18, or filed under 30-10-105, the secretary of state may not accept a filing from a person using the term "cooperative" or a derivative of the term "cooperative" to register:

(i) an assumed business name pursuant to 30-13-202;

(ii) a nonprofit corporation pursuant to 35-2-119;

(iii) a limited liability corporation pursuant to 35-8-205;

(iv) a partnership pursuant to 35-10-113;

(v) a limited partnership pursuant to 35-12-511; or

(vi) a corporation pursuant to 35-14-120.

(b) A person using the term "cooperative" to register with the secretary of state in violation of subsection (3)(a) shall be fined not less than $50 or more than $1,000.

(4) [Subsection (3)] does not apply to an entity formed prior to October 1, 2023*, or any out-of-state cooperative required to register in accordance with 35-14-1503*."

Section 2. Section 35-17-103, MCA, is amended to read:

"**35-17-103. Definitions and associations as nonprofit entities.** (1) The term "agricultural products" includes horticultural, viticultural, forestry, dairy, livestock, poultry, bee, and any farm products.

(2) The term "association" means any corporation organized under this chapter *to include an out-of-state entity if it is authorized to transact business in the state that otherwise complies with the requirements of this chapter*.

(3) The term "member" means a person who has been qualified and accepted for membership in an association.

(4) The term "out-of-state", with respect to an entity under this chapter, means an entity governed by the law of a jurisdiction other than this state, including a federally recognized Indian tribe.

~~(4)~~*(5)* The term "person" includes individuals, firms, partnerships, corporations, and associations.

~~(5)~~*(6)* Associations organized under this chapter ~~must be considered nonprofit because they are not organized to make profits for themselves or for their members, but only for their members as producers~~ *may be for-profit or not-for-profit*."

Section 3. Section 35-17-104, MCA, is amended to read:

"**35-17-104. Who may organize.** Five or more persons engaged in the production of agricultural products may form a ~~nonprofit~~ cooperative association, with or without capital stock, under the provisions of this chapter."

Section 4. Section 35-17-202, MCA, is amended to read:

"**35-17-202. Articles of incorporation -- contents -- filing -- articles or copies as prima facie evidence.** (1) Each association formed under this chapter shall prepare and file articles of incorporation setting forth:

(a) the name of the association;

(b) the purposes for which it is formed;

(c) the place where its principal business will be transacted;

(d) if an out-of-state entity, the out-of-state entity's jurisdiction of formation;

~~(d)~~*(e)* the term for which it is to exist, which may be perpetual;

~~(e)~~*(f)* the number of its directors or trustees and the names and residences of those who are appointed for the first 3 months and until their successors are elected and qualified;

~~(f)~~*(g)* if organized without capital stock, whether the property rights and interest of each member are equal or unequal, and if unequal, the articles must set forth the general rule or rules applicable to all members by which the property rights and interests, respectively, of each member must be determined and fixed. The association has the power to admit new members who must be entitled to share in the property of the association with the old members, in accordance with the general rules;

~~(g)~~*(h)* the designation of classes of members, if more than one;

~~(h)~~*(i)* the number and par value of shares of each authorized class of stock and, if more than one class is authorized:

(i) the designation, preferences, limitations, and relative rights of each class;

(ii) which classes of stock are membership stock;

(iii) as to each class of stock, the rate of dividend, if any, or a statement that the rate of dividend may be fixed by the board; and

(iv) any reservation of a right to acquire or recall any stock.

(2) In addition to provisions required in subsection (1), the articles of incorporation may also contain provisions not inconsistent with law regarding liability as set forth in 35-14-202.

(3) The articles must be subscribed by the incorporators and must be filed in accordance with the provisions of the general corporation law of this state, and when so filed, the articles of incorporation or certified copies must be accepted as prima facie evidence of the facts contained in the articles and of the due incorporation of the association."

Section 5. Rights, exemptions, and privileges of out-of-state associations. An out-of-state entity that distributes its proceeds and savings according to this section or the law of the state where it is incorporated is entitled to all rights, exemptions, and privileges of a cooperative association as provided in Title 35 if it is authorized to transact business in the state as provided in Title 35, chapters 15, 16, 17, and 18.

Section 6. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 7. Codification instruction. [Section 5] is intended to be codified as a new chapter in Title 35, and the provisions of Title 35 apply to [section 5].

Approved April 17, 2025

CHAPTER NO. 170

[SB 198]

AN ACT GENERALLY REVISING PROFESSIONAL OCCUPATION LAWS RELATED TO PRIVATE SECURITY; CLARIFYING THE DEFINITIONS OF "ELECTRONIC SECURITY FIRM", "PRIVATE SECURITY GUARD", AND "SECURITY ALARM INSTALLER"; AMENDING SECTIONS 37-60-101, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 37-60-101, MCA, is amended to read:

"**37-60-101. Definitions.** As used in this chapter, the following definitions apply:

(1) "Armed" means an endorsement authorizing a private investigator or a private security guard to possess and use one or more firearms in the performance of professional duties according to training and reporting requirements prescribed by this chapter and department rule.

(2) "Armed carrier service" means a private security firm that provides the transport or the offer to transport items of value under an armed private security guard.

(3) "Department" means the department of labor and industry provided for in 2-15-1701.

(4) (a) "Electronic security firm" means a person who sells, installs, services, or maintains a security alarm system *that automatically communicates with a public safety agency or public safety answering point as defined in 10-4-101* and who employs security alarm installers.

(b) The term does not include a person whose primary business is that of a locksmith and who may also install closed-circuit television cameras and battery-operated door devices.

(5) "Licensee" means a person licensed under this chapter.

(6) "Private investigator" means an individual who for any consideration makes or agrees to make any investigation relevant to:

(a) crimes against the United States or any state or territory of the United States;

(b) the identity, habits, conduct, business, occupation, honesty, integrity, trustworthiness, efficiency, loyalty, activity, movement, location, affiliations, associations, transactions, reputation, or character of any person;

(c) the location, disposition, or recovery of lost or stolen property;

(d) the cause of or responsibility for any fires, libels, losses, accidents, or injury to persons or property; or

(e) gathering evidence to be used before any court, board, officer, or investigating committee.

(7) "Private security firearms instructor" means an individual who instructs private investigators and private security guards in the use of firearms that may be used while performing professional duties.

(8) "Private security firm" means a person who provides one or more of the following:

(a) private security guard services;

(b) armed private security guard services; or

(c) armed carrier services.

(9) "Private security guard" means an individual employed ~~by a private security firm~~ to protect persons or property or to direct public movement in public areas.

(10) "Registered process server" means a person described in 25-1-1101.

(11) (a) "Security alarm installer" means an individual employed by an electronic security firm to sell, install, service, or maintain security alarm systems *that automatically communicate with a public safety agency or public safety answering point as defined in 10-4-101* to detect and signal unauthorized intrusion, movement, break-in, or criminal acts.

(b) The term does not include a person whose primary business is that of a locksmith and who may also install closed-circuit television cameras and battery-operated door devices.

(12) (a) "Security alarm system" means an assembly of equipment and devices or a single device or a portion of a system intended to detect or signal or to both detect and signal unauthorized intrusion, movement, or criminal acts at a location.

(b) The term does not include systems that monitor temperature, humidity, or any other atmospheric condition not directly related to the detection of an unauthorized intrusion or criminal act at a location."

Section 2. Effective date. [This act] is effective July 1, 2025.

Approved April 17, 2025

CHAPTER NO. 171

[SB 190]

AN ACT ALLOWING WATER RIGHT HOLDERS TO CONSENT TO WAIVE ADVERSE EFFECTS ANALYSIS IN WATER RIGHT PERMIT OR CHANGE

APPLICATIONS; AND AMENDING SECTIONS 85-2-311, 85-2-320, 85-2-360, 85-2-402, 85-2-407, AND 85-2-408, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 85-2-311, MCA, is amended to read:

"**85-2-311. Criteria for issuance of permit.** (1) A permit may be issued under this part prior to the adjudication of existing water rights in a source of supply. In a permit proceeding under this part, there is no presumption that an applicant for a permit cannot meet the statutory criteria of this section prior to the adjudication of existing water rights pursuant to this chapter. In making a determination under this section, the department may not alter the terms and conditions of an existing water right or an issued certificate, permit, or state water reservation. Except as provided in subsections (3) and (4), the department shall issue a permit if the applicant proves by a preponderance of evidence that the following criteria are met:

(a) (i) there is water physically available at the proposed point of diversion in the amount that the applicant seeks to appropriate; and

(ii) water can reasonably be considered legally available during the period in which the applicant seeks to appropriate, in the amount requested, based on the records of the department and other evidence provided to the department. Legal availability is determined using an analysis involving the following factors:

(A) identification of physical water availability;

(B) identification of existing legal demands of water rights on the source of supply throughout the area of potential impact by the proposed use; and

(C) analysis of the evidence on physical water availability and the existing legal demands of water rights, including but not limited to a comparison of the physical water supply at the proposed point of diversion with the existing legal demands of water rights on the supply of water.

(b) the water rights of a prior appropriator under an existing water right, a certificate, a permit, or a state water reservation will not be adversely affected. In this subsection (1)(b), adverse effect must be determined based on a consideration of an applicant's plan for the exercise of the permit that demonstrates that the applicant's use of the water will be controlled so the water right of a prior appropriator will be satisfied. *An applicant is not required to prove a lack of adverse effect for any water right identified in a written consent to approval filed pursuant to subsection (9) in connection with a permit application.*

(c) the proposed means of diversion, construction, and operation of the appropriation works are adequate;

(d) the proposed use of water is a beneficial use;

(e) the applicant has a possessory interest or the written consent of the person with the possessory interest in the property where the water is to be put to beneficial use, or if the proposed use has a point of diversion, conveyance, or place of use on national forest system lands, the applicant has any written special use authorization required by federal law to occupy, use, or traverse national forest system lands for the purpose of diversion, impoundment, storage, transportation, withdrawal, use, or distribution of water under the permit;

(f) the water quality of a prior appropriator will not be adversely affected;

(g) the proposed use will be substantially in accordance with the classification of water set for the source of supply pursuant to 75-5-301(1); and

(h) the ability of a discharge permitholder to satisfy effluent limitations of a permit issued in accordance with Title 75, chapter 5, part 4, will not be adversely affected.

(2) The applicant is required to prove that the criteria in subsections (1)(f) through (1)(h) have been met only if a valid objection is filed. A valid objection must contain substantial credible information establishing to the satisfaction of the department that the criteria in subsection (1)(f), (1)(g), or (1)(h), as applicable, may not be met. For the criteria set forth in subsection (1)(g), only the department of environmental quality or a local water quality district established under Title 7, chapter 13, part 45, may file a valid objection.

(3) The department may not issue a permit for an appropriation of 4,000 or more acre-feet of water a year and 5.5 or more cubic feet per second of water unless the applicant proves by clear and convincing evidence that:

(a) the criteria in subsection (1) are met;

(b) the proposed appropriation is a reasonable use. A finding must be based on a consideration of the following:

(i) the existing legal demands of water rights on the state water supply, as well as projected legal demands of water rights, such as reservations of water for future beneficial purposes, including municipal water supplies, irrigation systems, and minimum streamflows for the protection of existing water rights and aquatic life;

(ii) the benefits to the applicant and the state;

(iii) the effects on the quantity and quality of water for existing beneficial uses in the source of supply;

(iv) the availability and feasibility of using low-quality water for the purpose for which application has been made;

(v) the effects on private property rights by any creation of or contribution to saline seep; and

(vi) the probable significant adverse environmental impacts of the proposed use of water as determined by the department pursuant to Title 75, chapter 1, or Title 75, chapter 20.

(4) (a) The state of Montana has long recognized the importance of conserving its public waters and the necessity to maintain adequate water supplies for the state's water requirements, including requirements for federal non-Indian and Indian reserved water rights held by the United States for federal reserved lands and in trust for the various Indian tribes within the state's boundaries. Although the state of Montana also recognizes that, under appropriate conditions, the out-of-state transportation and use of its public waters are not in conflict with the public welfare of its citizens or the conservation of its waters, the criteria in this subsection (4) must be met before out-of-state use may occur.

(b) The department may not issue a permit for the appropriation of water for withdrawal and transportation for use outside the state unless the applicant proves by clear and convincing evidence that:

(i) depending on the volume of water diverted or consumed, the applicable criteria and procedures of subsection (1) or (3) are met;

(ii) the proposed out-of-state use of water is not contrary to water conservation in Montana; and

(iii) the proposed out-of-state use of water is not otherwise detrimental to the public welfare of the citizens of Montana.

(c) In determining whether the applicant has proved by clear and convincing evidence that the requirements of subsections (4)(b)(ii) and (4)(b)(iii) are met, the department shall consider the following factors:

(i) whether there are present or projected water shortages within the state of Montana;

(ii) whether the water that is the subject of the application could feasibly be transported to alleviate water shortages within the state of Montana;

(iii) the supply and sources of water available to the applicant in the state where the applicant intends to use the water; and

(iv) the existing legal demands of water rights placed on the applicant's supply in the state where the applicant intends to use the water.

(d) When applying for a permit or a lease to withdraw and transport water for use outside the state, the applicant shall submit to and comply with the laws of the state of Montana governing the appropriation, lease, and use of water.

(5) Subject to 85-2-360, to meet the preponderance of evidence standard in this section, the applicant, in addition to other evidence demonstrating that the criteria of subsection (1) have been met, shall submit hydrologic or other evidence, including but not limited to water supply data, field reports, and other information developed by the applicant, the department, the U.S. geological survey, or the U.S. natural resources conservation service and other specific field studies.

(6) An appropriation, diversion, impoundment, use, restraint, or attempted appropriation, diversion, impoundment, use, or restraint contrary to the provisions of this section is invalid. An officer, agent, agency, or employee of the state may not knowingly permit, aid, or assist in any manner an unauthorized appropriation, diversion, impoundment, use, or other restraint. A person or corporation may not, directly or indirectly, personally or through an agent, officer, or employee, attempt to appropriate, divert, impound, use, or otherwise restrain or control waters within the boundaries of this state except in accordance with this section.

(7) The department may adopt rules to implement the provisions of this section.

(8) For an application for ground water in a basin closed pursuant to 85-2-319, 85-2-321, 85-2-330, 85-2-336, 85-2-341, 85-2-343, or 85-2-344, the applicant shall comply with the provisions of 85-2-360 in addition to the requirements of this section.

(9) The department may not conduct an adverse effects analysis on a water right if the water right holder files a written consent to approval of an application for a permit."

Section 2. Section 85-2-320, MCA, is amended to read:

"**85-2-320. Change in appropriation right authorization for instream flow -- United States department of agriculture, forest service.** (1) (a) The department shall accept and process an application by the United States department of agriculture, forest service for a change in appropriation right under the provisions of 85-2-402 and this section to protect, maintain, or enhance streamflows to benefit the fishery or other resources on national forest system lands.

(b) To change an appropriation right, the United States department of agriculture, forest service must own the appropriation right that it seeks to change to an instream flow right, the diversion or withdrawal that is to be changed to instream flow must be located within or immediately adjacent to the exterior boundaries of national forest system lands on the date provided in 85-20-1401, Article IV.B.2., and the stream reach in which the streamflow is to be protected, maintained, or enhanced must be located within or immediately adjacent to the exterior boundaries of national forest system lands as of the

date provided in 85-20-1401, Article IV.B.2. The application for a change in appropriation right must:

(i) include specific information on the length and location of the stream reach in which the streamflow is to be protected, maintained, or enhanced; and

(ii) provide a detailed streamflow measuring plan that describes the point where and the manner in which the streamflow must be measured.

(2) In addition to the requirements of 85-2-402, when applying for a change in appropriation right pursuant to this section, the United States department of agriculture, forest service, shall prove by a preponderance of the evidence that:

(a) the change in appropriation right authorization to protect, maintain, or enhance streamflows to benefit the fishery or other resources, as measured at a specific point, will not adversely affect the water rights of other persons*, except for a water right identified in a written consent to approval filed pursuant to 85-2-402 in connection with the change in appropriation right*; and

(b) the amount of water for the proposed instream flow use is needed to protect, maintain, or enhance streamflows to benefit the fishery or other resources.

(3) The proposed method of measurement of the water to protect, maintain, or enhance streamflows to benefit the fishery or other resources must be approved by the department before a change in appropriation right may be approved.

(4) The department is not responsible for costs associated with installing devices or providing personnel to measure streamflows according to the measurement plan submitted under this section.

(5) If an appropriation right is changed pursuant to this section, the priority of the appropriation right remains the same as the appropriation right that was changed.

(6) A change in appropriation right authorization under this section does not create a right of access across private property or allow any infringement of private property rights.

(7) The maximum quantity of water that may be subject to a change in appropriation right authorization to protect, maintain, or enhance streamflows to benefit the fishery or other resources is the amount historically diverted. However, only the amount historically consumed or a smaller amount if specified by the department in the change in appropriation right authorization may be used to protect, maintain, or enhance streamflows to benefit the fishery or other resources below the existing point of diversion.

(8) The department may modify or revoke the change in appropriation right up to 10 years after it is approved if an appropriator with a priority of appropriation that is earlier than the change in appropriation right that was granted submits new evidence that was not available at the time the change in appropriation right was approved that proves by a preponderance of evidence that the appropriator's water right is adversely affected*, unless the prior appropriator has filed a written consent to approval pursuant to 85-2-402 in connection with the change*."

Section 3. Section 85-2-360, MCA, is amended to read:

"**85-2-360. Ground water appropriation right in closed basins.** (1) An application for a ground water appropriation right in a basin closed pursuant to 85-2-319, 85-2-321, 85-2-330, 85-2-336, 85-2-341, 85-2-343, or 85-2-344 must be accompanied by a hydrogeologic report conducted pursuant to 85-2-361, an aquifer recharge or mitigation plan if required, and an application for a change in appropriation right or rights if necessary.

(2) The department shall use the hydrogeologic report to determine if the proposed appropriation right could result in a net depletion of surface water.

(3) (a) For the purposes of 85-2-360 through 85-2-362, the prediction of net depletion does not mean that an adverse effect on a prior appropriator will occur or if an adverse effect does occur that the entire amount of net depletion is the cause of the adverse effect. A determination of whether or not there is an adverse effect on a prior appropriator as the result of a new appropriation right is a determination that must be made by the department based on the rate, location, and timing of the net depletion that causes the adverse effect relative to the historic beneficial use of the appropriation right that may be adversely affected.

(b) The department may not consider an adverse effect caused by the grant of an application pursuant to this section on any water right listed on a written consent to approval filed pursuant to 85-2-311.

~~(b)~~*(c)* The department may grant a permit for a new appropriation only if the applicant proves by a preponderance of the evidence that the adverse effect would be offset through an aquifer recharge or mitigation plan that meets the requirements of 85-2-362."

Section 4. Section 85-2-402, MCA, is amended to read:

"**85-2-402. Changes in appropriation rights -- definition.** (1) (a) The right to make a change in appropriation right subject to the provisions of this section in an existing water right, a permit, or a state water reservation is recognized and confirmed. In a change in appropriation right proceeding under this section, there is no presumption that an applicant for a change in appropriation right cannot establish lack of adverse effect prior to the adjudication of other rights in the source of supply pursuant to this chapter. Except as provided in 85-2-410 and subsections (15) and (16) of this section, an appropriator may not make a change in an appropriation right without the approval of the department or, if applicable, of the legislature. An applicant shall submit a correct and complete application.

(b) If an application involves a change in a point of diversion, conveyance, or place of use located on national forest system lands, the application is not correct and complete until the applicant has submitted proof to the department of any written special use authorization required by federal law for the proposed change in occupancy, use, or traverse of national forest system lands for the purpose of diversion, impoundment, storage, transportation, withdrawal, use, or distribution of water.

(c) The applicant is not required to prove a lack of adverse effect for any water right identified on a written consent to approval filed pursuant to subsection (19) in connection with an application.

(2) Except as provided in subsections (4) through (6), (15), (16), and (18) and, if applicable, subject to ~~subsection (17)~~ *subsections (1)(c) and (17)*, the department shall approve a change in appropriation right if the appropriator proves by a preponderance of evidence that the following criteria are met:

(a) The proposed change in appropriation right will not adversely affect the use of the existing water rights of other persons or other perfected or planned uses or developments for which a permit or certificate has been issued or for which a state water reservation has been issued under part 3. For purposes of this section, adverse effects analysis is specific to the proposed change in appropriation right and a determination that water is not legally available pursuant to 85-2-311 does not necessarily mean that an adverse effect will occur.

(b) The proposed means of diversion, construction, and operation of the appropriation works are adequate, except for:

(i) a change in appropriation right for instream flow pursuant to 85-2-320 or 85-2-436;

(ii) a temporary change in appropriation right for instream flow pursuant to 85-2-408; or

(iii) a change in appropriation right pursuant to 85-2-420 for mitigation or marketing for mitigation.

(c) The proposed use of water is a beneficial use.

(d) The applicant has a possessory interest, or the written consent of the person with the possessory interest, in the property where the water is to be put to beneficial use or, if the proposed change involves a point of diversion, conveyance, or place of use on national forest system lands, the applicant has any written special use authorization required by federal law to occupy, use, or traverse national forest system lands for the purpose of diversion, impoundment, storage, transportation, withdrawal, use, or distribution of water. This subsection (2)(d) does not apply to:

(i) a change in appropriation right for instream flow pursuant to 85-2-320 or 85-2-436;

(ii) a temporary change in appropriation right for instream flow pursuant to 85-2-408; or

(iii) a change in appropriation right pursuant to 85-2-420 for mitigation or marketing for mitigation.

(e) If the change in appropriation right involves salvaged water, the proposed water-saving methods will salvage at least the amount of water asserted by the applicant.

(f) The water quality of an appropriator will not be adversely affected.

(g) The ability of a discharge permitholder to satisfy effluent limitations of a permit issued in accordance with Title 75, chapter 5, part 4, will not be adversely affected.

(3) The applicant is required to prove that the criteria in subsections (2)(f) and (2)(g) have been met only if a valid objection is filed. A valid objection must contain substantial credible information establishing to the satisfaction of the department that the criteria in subsection (2)(f) or (2)(g), as applicable, may not be met.

(4) The department may not approve a change in purpose of use or place of use of an appropriation of 4,000 or more acre-feet of water a year and 5.5 or more cubic feet per second of water unless the appropriator proves by a preponderance of evidence that:

(a) the criteria in subsection (2) are met; and

(b) the proposed change in appropriation right is a reasonable use. A finding of reasonable use must be based on a consideration of:

(i) the existing legal demands of water rights on the state water supply, as well as projected legal demands of water rights for future beneficial purposes, including municipal water supplies, irrigation systems, and minimum streamflows for the protection of existing water rights and aquatic life;

(ii) the benefits to the applicant and the state;

(iii) the effects on the quantity and quality of water for existing uses in the source of supply;

(iv) the availability and feasibility of using low-quality water for the purpose for which application has been made;

(v) the effects on private property rights by any creation of or contribution to saline seep; and

(vi) the probable significant adverse environmental impacts of the proposed use of water as determined by the department pursuant to Title 75, chapter 1, or Title 75, chapter 20.

(5) The department may not approve a change in purpose of use or place of use for a diversion that results in 4,000 or more acre-feet of water a year and 5.5 or more cubic feet per second of water being consumed unless:

(a) the applicant proves by clear and convincing evidence and the department finds that the criteria in subsections (2) and (4) are met; and

(b) for the withdrawal and transportation of appropriated water for out-of-state use, the department then petitions the legislature and the legislature affirms the decision of the department after one or more public hearings.

(6) The state of Montana has long recognized the importance of conserving its public waters and the necessity to maintain adequate water supplies for the state's water requirements, including requirements for federal non-Indian and Indian reserved water rights held by the United States for federal reserved lands and in trust for the various Indian tribes within the state's boundaries. Although the state of Montana also recognizes that, under appropriate conditions, the out-of-state transportation and use of its public waters are not in conflict with the public welfare of its citizens or the conservation of its waters, the following criteria must be met before out-of-state use may occur:

(a) The department and, if applicable, the legislature may not approve a change in appropriation right for the withdrawal and transportation of appropriated water for use outside the state unless the appropriator proves by clear and convincing evidence and, if applicable, the legislature approves after one or more public hearings that:

(i) depending on the volume of water diverted or consumed, the applicable criteria and procedures of subsection (2) or (4) are met;

(ii) the proposed out-of-state use of water is not contrary to water conservation in Montana; and

(iii) the proposed out-of-state use of water is not otherwise detrimental to the public welfare of the citizens of Montana.

(b) In determining whether the appropriator has proved by clear and convincing evidence that the requirements of subsections (6)(a)(ii) and (6)(a)(iii) will be met, the department and, if applicable, the legislature shall consider the following factors:

(i) whether there are present or projected water shortages within the state of Montana;

(ii) whether the water that is the subject of the proposed change in appropriation might feasibly be transported to alleviate water shortages within the state of Montana;

(iii) the supply and sources of water available to the applicant in the state where the applicant intends to use the water; and

(iv) the existing legal demands of water rights placed on the applicant's supply in the state where the applicant intends to use the water.

(c) When applying for a change in appropriation right to withdraw and transport water for use outside the state, the applicant shall submit to and comply with the laws of the state of Montana governing the appropriation and use of water.

(7) For any application for a change in appropriation right involving 4,000 or more acre-feet of water a year and 5.5 or more cubic feet per second of water, the department shall give notice of the proposed change in appropriation right in accordance with 85-2-307 and shall hold one or more hearings in accordance with 85-2-309 prior to its approval or denial of the proposed change

in appropriation right. The department shall provide notice and may hold one or more hearings upon any other proposed change in appropriation right if it determines that the proposed change in appropriation right might adversely affect the rights of other persons*, except for any water right for which a written consent to approval has been filed pursuant to subsection (19) in connection with the application*.

(8) The department or the legislature, if applicable, may approve a change in appropriation right subject to the terms, conditions, restrictions, and limitations that it considers necessary to satisfy the criteria of this section, including limitations on the time for completion of the change in appropriation right. The department may extend time limits specified in the change in appropriation right approval under the applicable criteria and procedures of 85-2-312.

(9) Upon actual application of water to the proposed beneficial use within the time allowed, the appropriator shall notify the department that the appropriation has been completed. The notification must contain a certified statement by a person with experience in the design, construction, or operation of appropriation works describing how the appropriation was completed.

(10) If a change in appropriation right is not completed as approved by the department or legislature or if the terms, conditions, restrictions, and limitations of the change in appropriation right approval are not complied with, the department may, after notice and opportunity for hearing, require the appropriator to show cause why the change in appropriation right approval should not be modified or revoked. If the appropriator fails to show sufficient cause, the department may modify or revoke the change in appropriation right approval.

(11) The original of a change in appropriation right approval issued by the department must be sent to the applicant, and a duplicate must be kept in the office of the department in Helena.

(12) A person holding an issued permit or change in appropriation right approval that has not been perfected may change the place of diversion, place of use, purpose of use, or place of storage by filing an application for change in appropriation right pursuant to this section.

(13) A change in appropriation right contrary to the provisions of this section is invalid. An officer, agent, agency, or employee of the state may not knowingly permit, aid, or assist in any manner an unauthorized change in appropriation right. A person or corporation may not, directly or indirectly, personally or through an agent, officer, or employee, attempt to change an appropriation right except in accordance with this section.

(14) The department may adopt rules to implement the provisions of this section.

(15) (a) An appropriator may change an appropriation right for a replacement well without the prior approval of the department if:

(i) the appropriation right is for:

(A) ground water outside the boundaries of a controlled ground water area; or

(B) ground water inside the boundaries of a controlled ground water area and if the provisions of the rule establishing the controlled ground water area do not restrict a change in appropriation right;

(ii) the change in appropriation right is to replace an existing well and the existing well will no longer be used;

(iii) the rate and volume of the appropriation from the replacement well are equal to or less than that of the well being replaced and do not exceed:

(A) 450 gallons a minute for a municipal well; or

(B) 35 gallons a minute and 10 acre-feet a year for all other wells;

(iv) the water from the replacement well is appropriated from the same aquifer as the water appropriated from the well being replaced; and

(v) a timely, correct and complete notice of replacement well is submitted to the department as provided in subsection (15)(b).

(b) (i) After completion of a replacement well and appropriation of ground water for a beneficial use, the appropriator shall file a notice of replacement well with the department on a form provided by the department.

(ii) (A) The department shall review the notice of replacement well and shall issue an authorization of a change in an appropriation right if all of the criteria in subsection (15)(a) have been met and the notice is correct and complete.

(B) If the replacement well is located on national forest system lands, the notice is not correct and complete under this subsection (15) until the appropriator has submitted proof of any written special use authorization required by federal law to occupy, use, or traverse national forest system lands for the purpose of constructing the replacement well.

(iii) The department may not issue an authorization of a change in appropriation right until a correct and complete notice of replacement well has been filed with the department. The department shall return a defective notice to the appropriator, along with a description of defects in the notice. The appropriator shall refile a corrected and completed notice of replacement well within 30 days of notification of defects or within a further time as the department may allow, not to exceed 6 months.

(iv) If a notice of replacement well is not completed within the time allowed, the appropriator shall:

(A) cease appropriation of water from the replacement well pending approval by the department; and

(B) submit an application for a change in appropriation right to the department pursuant to subsections (1) through (3).

(c) The provisions of this subsection (15) do not apply to an appropriation right abandoned under 85-2-404.

(d) For each well that is replaced under this subsection (15), the appropriator shall follow the well abandonment procedures, standards, and rules adopted by the board of water well contractors pursuant to 37-43-202.

(e) The provisions of subsections (2), (3), (9), and (10) do not apply to a change in appropriation right that meets the requirements of subsection (15)(a).

(16) (a) An appropriator may change an appropriation right without the prior approval of the department for the purpose of constructing a redundant water supply well in a public water supply system, as defined in 75-6-102, if the redundant water supply well:

(i) withdraws water from the same ground water source as the original well; and

(ii) is required by a state or federal agency.

(b) The priority date of the redundant water supply well is the same as the priority date of the original well. Only one well may be used at one time.

(c) Within 60 days of completion of a redundant water supply well, the appropriator shall file a notice of construction of the well with the department on a form provided by the department. The department may return a defective notice of construction to the appropriator for correction and completion. If the redundant water supply well is located on national forest system lands, the notice is not correct and complete under this subsection until the appropriator has submitted proof of any written special use authorization required by

federal law to occupy, use, or traverse national forest system lands for the purpose of constructing the redundant water supply well.

(d) The provisions of subsections (9) and (10) do not apply to a change in appropriation right that meets the requirements of this subsection (16).

(17) The department shall accept and process an application for a change in appropriation right for instream flow to protect, maintain, or enhance streamflows pursuant to 85-2-320 and this section and to benefit the fishery resource pursuant to 85-2-436 and this section.

(18) (a) An appropriator may change an appropriation right for a replacement point of diversion without the prior approval of the department if:

(i) the existing point of diversion is inoperable due to natural causes or deteriorated infrastructure;

(ii) there are no other changes to the water right;

(iii) the capacity of the diversion is not increased;

(iv) there are no points of diversion or intervening water rights between the existing point of diversion and the replacement point of diversion or the appropriator obtains written waivers from all intervening water right holders;

(v) the replacement point of diversion is on the same surface water source and is located as close as reasonably practicable to the existing point of diversion;

(vi) the replacement point of diversion replaces an existing point of diversion and the existing point of diversion will no longer be used;

(vii) the appropriator can show that the existing point of diversion has been used in the 10 years prior to the notice for change of appropriation right for a replacement point of diversion;

(viii) the appropriator can show the change will not increase access to water availability, change the method of irrigation, if applicable, or increase the amount of water diverted, used, or consumed; and

(ix) a timely, correct and complete notice of replacement point of diversion is submitted to the department as provided in subsection (18)(b).

(b) (i) Within 60 days after completion of a replacement point of diversion, the appropriator shall file a notice of replacement point of diversion with the department on a form provided by the department.

(ii) The department shall review the notice of replacement point of diversion and shall issue an authorization of a change in an appropriation right if all of the criteria in subsection (18)(a) have been met and the notice is correct and complete. The department may inspect the diversion to confirm that the criteria under subsection (18)(a) have been met. If the department issues an authorization of a change in an appropriation right for a replacement point of diversion, the department shall prepare a notice of the authorization and provide notice of the authorization in the same manner as required in 85-2-307 for applications.

(iii) The department may not issue an authorization of a change in appropriation right until a correct and complete notice of replacement point of diversion has been filed with the department. The department shall return a defective notice to the appropriator, along with a description of defects in the notice. The appropriator shall refile a corrected and completed notice of replacement point of diversion within 30 days of notification of defects or within a further time as the department may allow, not to exceed 6 months.

(iv) If a notice of replacement point of diversion is not filed and completed within the time allowed or if the department determines the criteria under subsection (18)(a) have not been met, the appropriator shall:

(A) cease appropriation of water from the replacement point of diversion pending approval by the department; and

(B) submit an application for a change in appropriation right to the department pursuant to subsections (1) through (3).

(c) The provisions of this subsection (18) do not apply to an appropriation right abandoned under 85-2-404.

(d) The provisions of subsections (2), (3), (9), and (10) do not apply to a change in appropriation right that meets the requirements of subsection (18)(a).

(e) (i) An appropriator may file a correct and complete objection with the department alleging that the change in appropriation right for a replacement point of diversion will adversely affect the use of the existing water rights of other persons or other perfected or planned uses or developments for which a permit or certificate has been issued or for which a state water reservation has been issued under Title 85, chapter 2, part 3.

(ii) If the department determines after a contested case hearing between the appropriator and the objector that the rights of other appropriators have been or will be adversely affected, it may revoke the change or make the change subject to terms, conditions, restrictions, or limitations necessary to protect the rights of other appropriators.

(iii) The burden of proof to prove lack of adverse effect at the hearing is on the appropriator changing the point of diversion.

(19) The department may not conduct an adverse effects analysis on a water right if the water right holder files a written consent to approval of an application for a change in appropriation right."

Section 5. Section 85-2-407, MCA, is amended to read:

"**85-2-407. Temporary changes in appropriation right.** (1) Except as provided in 85-2-410, an appropriator may not make a temporary change in appropriation right for the appropriator's use or another's use except with department approval in accordance with 85-2-402 and this section.

(2) Except as provided in subsection (9), a temporary change in appropriation right may be approved for a period not to exceed 10 years. A temporary change in appropriation right may be approved for consecutive or intermittent use.

(3) An authorization for a temporary change in appropriation right may be renewed by the department for a period not to exceed 10 years. There is no limitation on the number of renewals the appropriator may seek. Renewal of an authorization for a temporary change in appropriation right requires notice to the department by the appropriator. Upon receipt of the notice, the department shall notify other appropriators potentially affected by the renewal and shall allow 90 days for submission of new evidence of adverse effects to other water rights. A temporary change authorization may not be renewed by the department if it determines that the right of an appropriator~~, other than an appropriator described in subsection (7),~~ is adversely affected*, except for an appropriator described in subsection (7) or a water right identified in a written consent to approval filed pursuant to 85-2-402 in connection with a temporary change*.

(4) (a) During the term of the original temporary change authorization, the department may modify or revoke its authorization for a temporary change if it determines that the right of an appropriator~~, other than an appropriator described in subsection (7),~~ is adversely affected*, except for an appropriator described in subsection (7) or a water right identified in a written consent to approval filed pursuant to 85-2-402 in connection with a temporary change*.

(b) An appropriator, other than an appropriator identified in subsection (7), may object:

(i) during the initial temporary change application process;

(ii) during the temporary change renewal process; and

(iii) once during the term of the temporary change permit.

(5) The priority of appropriation for a temporary change in appropriation right is the same as the priority of appropriation of the right that is temporarily changed.

(6) Neither a change in appropriation right nor any other authorization right is required for reversion of the appropriation right to the permanent purpose, place of use, point of diversion, or place of storage after the period for which a temporary change was authorized expires.

(7) A person issued a water use permit with a priority of appropriation after the date of filing of an application for a temporary change in appropriation right under this section may not object to the exercise of the temporary change according to its terms, the renewal of the authorization for the temporary change, or the reversion of the appropriation right to its permanent purpose, place of use, point of diversion, or place of storage. Persons described in this subsection must be notified of the existence of any temporary change authorizations from the same source of supply.

(8) If a water right for which a temporary change in appropriation right has been approved is transferred as an appurtenance of real property, the temporary change remains in effect unless another change in appropriation right is authorized by the department.

(9) If the quantity of water that is subject to a temporary change in appropriation right is made available from the development of a new water conservation or storage project, a temporary change in appropriation right may be approved for a period not to exceed 30 years unless a renewal is obtained pursuant to subsection (3)."

Section 6. Section 85-2-408, MCA, is amended to read:

"**85-2-408. Temporary change authorization for instream flow -- additional requirements.** (1) The department shall accept and process an application for a temporary change in appropriation rights to maintain or enhance instream flow to benefit the fishery resource under the provisions of 85-2-402, 85-2-407, and this section. The application must:

(a) include specific information on the length and location of the stream reach in which the streamflow is to be maintained or enhanced; and

(b) provide a detailed streamflow measuring plan that describes the point where and the manner in which the streamflow must be measured.

(2) (a) A temporary change authorization under the provisions of this section is allowable only if the owner of the water right voluntarily agrees to:

(i) change the purpose of a consumptive use water right to instream flow for the benefit of the fishery resource; or

(ii) lease a consumptive use water right to another person for instream flow to benefit the fishery resource.

(b) For the purpose of this subsection (2), "person" means and is limited to an individual, association, partnership, or corporation.

(3) In addition to the requirements of 85-2-402 and 85-2-407, an applicant for a change authorization under this section shall prove by a preponderance of evidence that:

(a) the temporary change authorization for water to maintain and enhance instream flow to benefit the fishery resource, as measured at a specific point, will not adversely affect the water rights of other persons; and

(b) the amount of water for the proposed use is needed to maintain or enhance instream flows to benefit the fishery resource.

(4) The applicant is not required to prove a lack of adverse effect for any water right identified in a written consent to approval filed pursuant to 85-2-402 in connection with a change application.

~~(4)~~*(5)* The department shall approve the method of measurement of the water to maintain and enhance instream flow to benefit the fishery resource through a temporary change authorization as provided in this section.

~~(5)~~*(6)* Only the owner of the water right may seek enforcement of the temporary change authorization or object under 85-2-308.

~~(6)~~*(7)* A temporary change authorization under this section does not create a right of access across private property or allow any infringement of private property rights.

~~(7)~~*(8)* The maximum quantity of water that may be changed to maintain and enhance streamflows to benefit the fishery resource is the amount historically diverted. However, only the amount historically consumed, or a smaller amount if specified by the department in the lease authorization, may be used to maintain or enhance streamflows to benefit the fishery resource below the existing point of diversion."

Approved April 17, 2025

CHAPTER NO. 172

[SB 165]

AN ACT REVISING BUSINESS FEES FOR SNOWMOBILE OR MOTORIZED EQUIPMENT RENTALS; PROVIDING A TRAIL ENHANCEMENT RENTAL FEE; PROVIDING THAT THE FEE MUST BE USED FOR MAINTENANCE AND REPAIR OF VEHICLES AND TRAILS; AND AMENDING SECTION 23-2-636, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 23-2-636, MCA, is amended to read:

"**23-2-636. Winter trail pass -- fees -- penalties.** (1) *(a)* Except as provided in subsection (4), to be eligible to operate a snowmobile or a dog sled or to use motorized equipment or mechanical transport in snowmobile areas groomed with a grant or funding assistance awarded by the department, a person shall first purchase a winter trail pass for:

~~(a)~~*(i)* $20, if the snowmobile or motorized equipment is registered in Montana pursuant to 61-3-321 or the person operating the dog sled or mechanical transport is a resident as determined under 1-1-215. A trail pass purchased pursuant to this subsection (1)(a)*(i)* is valid for up to 2 years from the date of purchase but no later than June 30 of the second year.

~~(b)~~*(ii)* $35, if the snowmobile or motorized equipment is exempt from registration in Montana pursuant to 61-3-321 or the person operating the dog sled or mechanical transport is not a resident as determined under 1-1-215. A trail pass purchased pursuant to this subsection ~~(1)(b)~~ *(1)(a)(ii)* is valid for up to 1 year from the date of purchase but no later than June 30 of the following year.

(b) In addition to the payment for a winter trail pass pursuant to subsection (1)(a), if the snowmobile or motorized equipment is operated as a rental from a rental business licensed in Montana, the renter shall pay a $5 trail enhancement rental fee to the rental vendor each time the snowmobile or motorized equipment is rented. The rental vendor must pay $5 to the department for each snowmobile or motorized equipment rented each month. The payment must be made by the first week of the month following the collection of the trail enhancement rental fee. The department shall distribute the trail enhancement rental fee as provided in subsection (5)(b).

(2) The trail pass must be affixed in a conspicuous place to each snowmobile, dog sled, motorized equipment, or mechanical transport used. A trail pass is not transferable between a snowmobile, dog sled, motorized equipment, or mechanical transport. If a snowmobile is sold with an affixed trail pass, the trail pass may continue to be used by the purchaser of the snowmobile until it expires.

(3) (a) Application for the issuance of the trail pass must be made at locations and on forms prescribed by the department. The forms must include but are not limited to the applicant's name and permanent street address.

(b) The applicant's name and permanent street address, as required in subsection (3)(a), and any other personal identification information, including but not limited to the applicant's phone number, may not be made public but may be used by other state agencies or the Montana university system for the sole purpose of gathering information for user studies that include usage criteria, trends, and growth.

(4) The purchase of a trail pass is not required for:

(a) a person renting a snowmobile registered pursuant to 61-3-321(11)(c), but the person shall carry proof of rental if operating the snowmobile in a snowmobile area that otherwise requires a trail pass pursuant to subsection (1);

(b) a person participating in a sanctioned dog sled race; or

(c) motorized equipment exempt from registration in Montana pursuant to 61-3-321(14).

(5) *(a)* Except for 50 cents, which is a search and rescue surcharge deposited pursuant to 87-1-601, money collected ~~by~~ *from* payment of fees under ~~this section~~ *subsection (1)(a)* must be deposited in the state special revenue fund to the credit of the department and used as follows:

~~(a)~~*(i)* $2 must be remitted to the vendor who sold the trail pass if the vendor is not the department;

~~(b)~~*(ii)* $1.50 must be used for the enforcement of snowmobile laws pursuant to this part; and

~~(c)~~*(iii)* the remainder must be used by the department for the statewide snowmobile trail grooming program.

(b) Money collected from payment of the trail enhancement rental fee under subsection (1)(b) must be deposited in the state special revenue fund to the credit of the department and used as follows:

(i) 2% of the fee must be used by the department for the operation of the trail grooming program, including but not limited to repairs for grooming vehicles; and

(ii) the remainder must be distributed by the department to entities that groom and maintain trails in areas in which snowmobile or motorized vehicle rental entities operate.

(6) The failure to affix the trail pass as required by this section or the making of false statements in obtaining the trail pass is a misdemeanor, punishable by a fine of not less than $40 or more than $100.

(7) To be eligible for a trail pass pursuant to this section, an all-terrain vehicle must have a wheel base of less than 50 inches in width and be equipped with tracks instead of wheels while operating on a groomed snowmobile trail administered by the department.

(8) For the purposes of this section:

(a) "motorized equipment" means any motorized equipment allowed by a snowmobile area operator; and

(b) "snowmobile" includes snowmobiles used for demonstration purposes by snowmobile dealers."

Approved April 17, 2025

CHAPTER NO. 173

[SB 162]

AN ACT GENERALLY REVISING LAWS RELATED TO THE CRIMINAL JUSTICE OVERSIGHT COUNCIL; EXPANDING THE TYPES OF LOCAL COURT JUDGES WHO MAY BE APPOINTED TO THE COUNCIL; DIRECTING THE CODE COMMISSIONER TO RECODIFY THE STATUTE ENACTING THE COUNCIL; AMENDING SECTION 53-1-216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 53-1-216, MCA, is amended to read:

"**53-1-216. Montana criminal justice oversight council -- duties -- membership.** (1) (a) There is a Montana criminal justice oversight council. The council consists of 18 members as follows:

(i) two members of the house of representatives, one selected by the speaker of the house and one selected by the house minority leader; and

(ii) two members of the senate, one selected by the president of the senate and one selected by the senate minority leader;

(iii) one district court judge and one ~~municipal court~~ judge *who presides over a city or municipal court or who is a justice of the peace, both of whom must be* selected by the chief justice of the Montana supreme court;

(iv) the attorney general or the attorney general's designee;

(v) the director of the department of corrections;

(vi) the director of the office of state public defender;

(vii) the director of the department of public health and human services;

(viii) a county sheriff and a county attorney appointed by the attorney general; and

(ix) the following individuals appointed by the governor:

(A) one member of a federally recognized Indian tribe located within the boundaries of the state of Montana who has expertise in criminal justice;

(B) one member of the board of pardons and parole;

(C) one representative of crime victims who also serves on the board of crime control established in 2-15-2008;

(D) one representative of civil rights advocates; and

(E) two representatives of community corrections providers, one of whom must represent a treatment facility and one of whom must represent a prerelease center.

(b) When appointing members as required in subsection (1)(a), the governor and attorney general shall consider appointing individuals who also serve on the board of crime control established in 2-15-2008.

(2) The legislative services division shall provide clerical and administrative staff services to the council.

(3) The council shall elect a presiding officer, who must be a legislator.

(4) The council shall:

(a) provide direction and recommendations to the board of crime control regarding data to be included in the criminal justice data warehouse established in 44-7-126 and policies to govern the use of and priorities for the criminal justice data warehouse;

(b) study and recommend solutions to address issues facing the criminal justice system and its constituent state and local agencies;

(c) monitor the functioning of the criminal justice system; and

(d) make recommendations to the legislature to address system issues proactively, manage limited resources, improve workloads, make improvements to state and local criminal justice systems, meaningfully address crime, and enhance public safety.

(5) The council shall submit a report to the governor and legislature~~, as provided~~ in *accordance with* 5-11-210. The report must include a description of the council's proceedings since the previous report.

(6) The council may request legislation to enact changes to the state's criminal justice system that the council finds necessary.

(7) The judicial branch, the department of corrections, the department of public health and human services, the board of pardons and parole, and the legislative services and fiscal divisions shall provide information and assistance as requested by the council.

(8) A vacancy on the council must be filled in the manner of the original appointment. If a vacancy on the council remains unfilled by the appropriate appointing authority for more than 60 days, the council may vote to appoint a member to serve on the council until the appropriate appointing authority makes an appointment.

(9) Council members must be reimbursed for travel expenses as provided in 2-18-501 through 2-18-503. Members of the council who are full-time salaried officers or employees of this state or any political subdivision are entitled to their regular compensation. Legislative members must be compensated as provided in 5-2-302.

(10) The council shall provide updates to the law and justice interim committee and the legislative finance committee as requested."

Section 2. Directions to code commissioner. (1) Section 53-1-216 is intended to be renumbered and codified as an integral part of Title 5, chapter 5, part 2.

(2) The code commissioner is instructed to change all internal references within and to 53-1-216 in the Montana Code Annotated, including within sections enacted or amended by the 2025 legislature, to reflect the new section number assigned pursuant to this section.

Section 3. Effective date. [This act] is effective on passage and approval.

Approved April 17, 2025

CHAPTER NO. 174

[SB 143]

AN ACT GENERALLY REVISING STATUTE OF LIMITATIONS LAWS; REVISING LAWS RELATING TO COMMENCEMENT OF ACTIONS BASED ON CONTRACT, COVENANT, OBLIGATION, OR LIABILITY FOUNDED ON AN INSTRUMENT; REVISING LAWS RELATING TO COMMENCEMENT OF ACTIONS FOR DAMAGES ARISING OUT OF WORK ON IMPROVEMENTS TO REAL PROPERTY OR LAND SURVEYING; AMENDING SECTIONS 27-2-202 AND 27-2-208, MCA; AND PROVIDING AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 27-2-202, MCA, is amended to read:

"**27-2-202. Actions based on contract or other obligation.** (1) The period prescribed for the commencement of an action on any contract, covenant, obligation, or liability founded on an instrument in writing is within ~~8~~ *6* years.

(2) The period prescribed for the commencement of an action on a contract, account, or promise not founded on an instrument in writing is within 5 years.

(3) The period prescribed for the commencement of an action on an obligation or liability, other than a contract, account, or promise, not founded on an instrument in writing is within 3 years."

Section 2. Section 27-2-208, MCA, is amended to read:

"**27-2-208. Actions for damages arising out of work on improvements to real property or land surveying.** (1) Except as provided in 70-19-427(1) and subsections (2) and (3) of this section, an action to recover damages (other than an action ~~upon~~ *on* any contract, obligation, or liability founded ~~upon~~ *on* an instrument in writing) resulting from or arising out of the design, planning, supervision, inspection, construction, or observation of construction of any improvement to real property or resulting from or arising out of land surveying of real property may not be commenced more than ~~10~~ *6* years after completion of the improvement or land surveying.

(2) Notwithstanding the provisions of subsection (1), an action for damages for an injury that occurred during the ~~10th~~ *sixth* year after the completion of the improvement or land surveying may be commenced within 1 year after the occurrence of the injury.

(3) The limitation prescribed by this section may not affect the responsibility of any owner, tenant, or person in actual possession and control of the improvement or real property that is surveyed at the time a right of action arises.

(4) As used in this section:

(a) "completion" means that degree of completion at which the owner can utilize the improvement for the purpose for which it was intended or when a completion certificate is executed, whichever is earlier;

(b) "land surveying" means the practice of land surveying, as defined in 37-67-101.

(5) This section may not be construed as extending the period prescribed by the laws of this state for the bringing of any action."

Section 3. Applicability. [This act] applies to actions to recover damages for on any contract, covenant, obligation, or liability founded on an instrument in writing that are filed on or after October 1, 2025.

Approved April 17, 2025

CHAPTER NO. 175

[SB 137]

AN ACT PROVIDING THAT PROSPECTIVE JURORS WHO ARE 75 YEARS OF AGE OR OLDER MUST BE EXCUSED ON REQUEST; AMENDING SECTION 3-15-313, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 3-15-313, MCA, is amended to read:

"**3-15-313. Who may be excused -- affidavit to claim excuse -- permanent exclusion for chronically incapacitated.** (1) The court or the jury commissioner with the approval of the court shall excuse a person from jury service ~~upon~~ *on* finding that jury service would entail undue hardship

for the person, a dependent of the person, or the public served by the person. An excuse may be granted if the prospective juror is a breastfeeding mother or otherwise has a personal obligation to provide actual and necessary care to another, including a sick, aged, or special needs dependent who requires the prospective juror's personal care and attention, and comparable substitute care is either unavailable or impractical without imposing an undue economic hardship on the prospective juror or dependent person.

(2) If a person believes jury service would entail undue hardship for the person, a dependent of the person, or the public served by the person, the person may make and transmit an affidavit to the jury commissioner for which the person is summoned, stating the person's occupation or other facts that the person believes will excuse the person from jury service. The affidavit must be filed with the jury commissioner, who shall transmit it to the court. The court or the jury commissioner with the approval of the court shall excuse a prospective juror from jury service if the prospective juror satisfies the provisions of subsection (1).

(3) A person who is chronically incapacitated by illness or injury may request a permanent exclusion from jury service by making and transmitting an affidavit to the jury commissioner of the person's place of residence. The affidavit must include a certification by the person's physician that the person is chronically incapacitated by illness or injury. The affidavit must be filed with the jury commissioner, who shall transmit it to the court. The court or jury commissioner with the approval of the court may permanently excuse a prospective juror from jury service if the prospective juror satisfies the provisions of this subsection (3).

(4) For *the* purposes of subsection (3), a person is chronically incapacitated if the person has a condition due to an illness or injury that restricts the person's ability to leave the person's place of residence without the aid of supportive devices, such as crutches, a cane, a wheelchair, or a walker, that restricts the person's ability to leave home without the use of special transportation or the assistance of another person, or that causes leaving home to be medically contraindicated. Examples of factors to be taken into account in determining whether chronic incapacitation exists include but are not limited to the following:

(a) paralysis by a stroke or other cause;

(b) blindness;

(c) senility;

(d) loss of the use of a person's extremities requiring the assistance of another in leaving the person's place of residence;

(e) arteriosclerotic heart disease of such severity that a person is required to avoid all stress and physical activity; or

(f) a psychiatric problem if the illness is manifested in part by a refusal to leave home or is of such a nature that it would not be considered safe for the person to leave home unattended, even if there are no physical limitations.

(5) On the request of a person who is 75 years of age or older, the court or the jury commissioner shall excuse the person from jury service."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved April 17, 2025

CHAPTER NO. 176

[SB 134]

AN ACT CREATING THE SAFEGUARDING ENDOWMENT GIFTS ACT; PROVIDING DEFINITIONS; PROVIDING PROTECTIONS AFFORDED TO ENDOWMENTS AND GIFTS TO CERTAIN ENTITIES; PROVIDING REQUIREMENTS FOR CERTAIN ENTITIES RELATING TO ENDOWMENTS AND GIFTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Short title -- purpose. (1) [Sections 1 through 3] may be cited as the "Safeguarding Endowment Gifts Act".

(2) [Sections 1 through 3] are necessary to provide legal recourse to individual charitable donors when their giving restrictions are not followed by a recipient charitable organization according to an endowment agreement.

Section 2. Definitions. For the purposes of [sections 1 through 3], the following definitions apply:

(1) "Charitable organization" means an organization arranged and operated exclusively for religious, charitable, scientific, literary, educational, or other specified purposes or for testing for public safety and that has a tax-exempt designation under the provisions of section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3).

(2) "Donor" means an individual or entity who has made a contribution of property or money to either an existing endowment fund or a new endowment fund of a charitable organization or of a charitable trust pursuant to the terms of an endowment agreement that may include donor-imposed restrictions governing the use of the contribution.

(3) "Donor-imposed restriction" means a written statement within an endowment agreement that specifies obligations on the management or purpose of the endowment fund.

(4) "Endowment agreement" means a written agreement between a charitable organization and a donor or a charitable trust and a donor regarding the contribution made by the donor and accepted by the charitable organization or the charitable trust that may include donor-imposed restrictions governing the use of the contribution.

(5) (a) "Endowment fund" means an institutional fund or part of an institutional fund that, under the terms of a gift instrument, is not wholly expendable by the institution on a current basis.

(b) The term does not include assets that an institution designates as an endowment fund for its own use.

(6) "Gift instrument" means a record or records, including an institutional solicitation, under which property is granted to, transferred to, or held by an institution as an institutional fund.

(7) "Legal representative" means the administrator or executor of a person's estate, if made known by the donor to the charitable organization, a surviving spouse if a court judgment has settled the accounts of the estate, or a person designated in an endowment agreement to act in place of a party to the agreement for all matters expressed in the agreement and all of the actions the agreement contemplates, including without limitation interpreting, performing, and enforcing the agreement and defending its validity.

(8) "Property" means real property, personal property or money, cryptocurrency, stocks, bonds, or any other asset or financial instrument.

Section 3. Protections afforded. (1) Except where specifically required or authorized by federal or state law, a charitable organization that accepts a contribution pursuant to a written donor-imposed restriction may not violate the terms of that restriction without potential penalty.

(2) If a charitable organization violates a donor-imposed restriction contained in an endowment agreement, the donor or that person's legal representative, 90 days after written notification is provided to the charitable organization at the organization's address of record, may file a complaint within 3 years after discovery for breach of the endowment agreement. The complaint may be filed in a court of general jurisdiction in the county where a charitable organization named as a party has its principal office or principal place of carrying out its charitable purpose or in a court of the United States whose district includes the county. The complaint may be filed regardless of whether the agreement expressly reserves a right to sue or enforce, and it may not seek a judgment awarding damages to the plaintiff.

(3) In the event a charitable organization is unable to fulfill a term in an endowment agreement, the donor or that person's legal representative must be notified 90 days in advance and offered an alternative solution that closely matches the initial term in the endowment agreement.

(4) A charitable organization may obtain a judicial declaration of rights and duties expressed in an endowment agreement containing donor restrictions as to all of the actions the agreement contemplates, including without limitation the interpretation, performance, and enforcement of the agreement and the determination of its validity. The charitable organization may seek the declaration in any suit brought under this section or by filing a complaint.

(5) If the court determines that a charitable organization violated a donor-imposed restriction in an endowment agreement, the court may order one or more remedies consistent with the charitable purposes expressed in the endowment agreement. The court may not order the return of donated funds to the donor or the donor's legal representative or estate.

(6) Nothing in this act affects the authority of the attorney general to enforce any restriction in an endowment agreement, limits the application of the judicial power of cy pres, or alters the right of an institution to modify a restriction on the management, investment, purpose, or use of an endowment fund in a manner permitted by the endowment agreement and by the Montana Uniform Prudent Management of Institutional Funds Act, Title 72, chapter 30.

Section 4. Codification instruction. [Sections 1 through 3] are intended to be codified as a new part in Title 72, chapter 30, and the provisions of Title 72, chapter 30, apply to [sections 1 through 3].

Section 5. Effective date -- retroactive applicability. [This act] is effective on passage and approval and applies retroactively, within the meaning of 1-2-109, to any endowment agreement entered into on or after January 1, 1975.

Approved April 17, 2025

CHAPTER NO. 177

[SB 124]

AN ACT REVISING ELECTRONIC LICENSE PRIVACY LAW; AND AMENDING SECTION 61-5-310, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 61-5-310, MCA, is amended to read:

"**61-5-310. Displaying electronic ~~driver's~~ license.** Displaying an electronic ~~driver's~~ license on an electronic device or handing an electronic device displaying an electronic ~~driver's~~ license to a peace officer does not constitute consent to a search or seizure of the electronic device."

Section 2. Directions to code commissioner. (1) Section 61-5-310 is intended to be renumbered and codified as an integral part of Title 46, chapter 5, part 1.

(2) The code commissioner is instructed to change all internal references within and to 61-5-310 in the Montana Code Annotated, including within sections enacted or amended by the 2025 legislature, to reflect the new section number assigned pursuant to this section.

Approved April 17, 2025

CHAPTER NO. 178

[SB 113]

AN ACT REVISING MOTOR VEHICLE TOWING AND STORAGE LIEN EXEMPTIONS; SPECIFYING THE TYPES OF FOOD AND CONSUMER GOODS, THE TYPES OF PERSONAL DOCUMENTS, AND THE TYPE OF RECORDS THAT ARE EXEMPT; AND AMENDING SECTION 71-3-1201, MCA.

WHEREAS, Montana allows for towing and storage liens to allow tow truck operators to render their services effectively; and

WHEREAS, Montana law exempts certain personal property from towing and storage liens, typically food and perishable goods belonging to the driver of the disabled vehicle, but there is a lack of clarity in the current statute; and

WHEREAS, this act will clarify that the towing and storage lien exemptions only apply to items that are consumer products and goods that aren't for resale, allowing Montana tow truck operators to effectively conduct business in this state.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 71-3-1201, MCA, is amended to read:

"**71-3-1201. Liens for service -- towing and storage lien -- extension of lien to certain personal property contained in motor vehicle that is subject to lien -- nonpossessory special liens.** (1) If there is an express or implied contract for collecting, processing, packaging, or storing embryos or semen from livestock, a reproductive technology business to whom embryos or semen is entrusted and who still has possession has a lien upon the embryos or semen for the amount due for collecting, processing, packaging, or storing the embryos or semen and may retain possession of the embryos or semen until the sum due is paid.

(2) (a) A person who, while lawfully in possession of an article of personal property, *product, or commodity* renders any service to the owner or lawful claimant of the article by labor or skill employed for the making, repairing, protection, improvement, safekeeping, carriage, towing, or storage of the article or tows or stores the article as directed under authority of law has a special lien on the article. Except as provided in subsection (2)(c), the lien is dependent on possession and is for the compensation, if any, that is due to the person from the owner or lawful claimant for the service and for material, if any, furnished in connection with the service. If the service is towing or storage, the lien is for the reasonable cost of the towing or storage.

(b) Any personal property that is in a motor vehicle *belonging to an uninsured or underinsured person, or for which an insurance claim was not filed or insurance coverage for towing and storage cannot be verified,* that is subject to a lien as provided in subsection (2)(a) is also subject to the lien, except for the following:

(i) ~~food items~~ *consumer food products not for resale or purchase*;

(ii) *consumer* perishable goods *not for resale or purchase*;

(iii) prescription items;

(iv) *original* operators' licenses and other *original* identifying documents;

(v) cash, credit cards, debit cards, checks, or checkbooks;

(vi) *original* personal records, *original* legal records, and *original* business records;

(vii) child safety items; and

(viii) wallets~~,~~ *or* purses~~, bags, or other containers that contain the items listed in subsections (2)(b)(iv) through (2)(b)(vi)~~.

(c) A special lien is not dependent on possession if the person asserting the lien gives the owner or the owner's agent, or attaches to the article, a document identifying the article and its owner, the services performed, the cost of those services, the cost to the owner of any parts, accessories, or equipment installed, and the signature and contact information of the person asserting the nonpossessory special lien. The person desiring to assert a special lien upon the property must also file a financing statement in the office designated for filing as provided in 30-9A-501. A nonpossessory special lien may be asserted on:

(i) implements of husbandry as defined in 61-1-101;

(ii) construction equipment as defined in 61-10-102;

(iii) motorized lawncare and landscaping equipment; and

(iv) forestry equipment.

(d) The special lien created under subsection (2)(c) may not take precedence over perfected security interests under the Uniform Commercial Code--Secured Transactions or other recorded liens on the property involved unless, within 30 days from the time of the completion of the service, repair, or improvement of the property, the person desiring to assert a special lien upon the property gives notice in writing to the secured party or other lienholder stating the intention to assert a special lien on the property under the terms of subsection (2)(c) and stating the nature and approximate amount of the work performed or other services furnished and the cost of any parts, accessories, or equipment installed. Service may be made either by personal service or by mailing by registered or certified mail a copy of the notice to the secured party or other lienholder at the last-known post office address. Service must be considered complete upon the deposit of the notice in the post office."

Approved April 17, 2025

CHAPTER NO. 179

[SB 101]

AN ACT REVISING LAWS RELATED TO SQUATTING; CREATING THE OFFENSE OF UNLAWFUL SQUATTING; CREATING THE OFFENSE OF FRAUDULENT SALE OR LEASE OF PROPERTY; PROVIDING A PROCESS FOR REMOVAL OF THE PERSON FROM THE PROPERTY; PROVIDING INDEMNITY FOR GOOD FAITH CONDUCT OF LAW ENFORCEMENT; AND AMENDING SECTION 70-24-113, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Unlawful squatting. (1) A person commits the offense of unlawful squatting when the person knowingly, without the consent of the owner, rightful occupant, or an authorized representative of the owner:

(a) enters the premises of another; and

(b) resides on the premises for any period of time.

(2) A person convicted of unlawful squatting is guilty of a misdemeanor. In addition to the penalties provided in 46-18-212, the person must be ordered to make restitution in an amount equal to the fair market value rent for the duration of the party's occupancy of the premises.

(3) A person who knowingly presents a false document purporting to convey authorization to enter and remain on the premises commits the offense of forgery and is subject to the penalties provided in 45-6-325.

(4) A person who commits the offense of unlawful squatting and intentionally damages the property commits the offense of criminal mischief and is subject to the penalties provided in 45-6-101.

(5) Law enforcement may immediately remove a person who commits the offense of unlawful squatting from the premises. The provisions of 2-9-305 apply to indemnify law enforcement officers for actions arising under this subsection.

Section 2. Fraudulent sale or lease of property. (1) A person who knowingly lists or advertises residential or commercial property for sale or rent without legal title or authority commits the offense of fraudulent sale or lease of property.

(2) A person convicted of the offense of fraudulent sale or lease of property shall be fined at least $1,000 or be imprisoned in the county jail for a term of not less than 6 months, or both.

Section 3. Section 70-24-113, MCA, is amended to read:

"**70-24-113. Removal of unauthorized person or trespasser -- *indemnification for providing false information to law enforcement.*** (1) An unauthorized person or trespasser has no legal right to occupy, enter, or trespass on a premises. A person who cannot produce authorization allowing the person to occupy a premises is an unauthorized person or trespasser for the purpose of this section and may be removed from the premises immediately by law enforcement.

(2) For the purposes of this section, authorization includes:

(a) a written rental agreement entitling the person to occupy the premises;

(b) written or verbal authorization from the landlord; or

(c) written or verbal authorization from a tenant if the person is a guest of the tenant.

(3) For the purposes of this section, verbal authorization is valid only if it is verified by the individual or entity entitled to give it under subsection (2)(b) or (2)(c).

(4) A property owner or authorized agent may request law enforcement to remove an unauthorized person or trespasser pursuant to this section.

(5) The property owner may request law enforcement to stand by to keep the peace while changing locks and removing personal property belonging to the unlawful occupant.

(6) A property owner or authorized agent who knowingly provides false information in a request under subsection (4) shall indemnify the law enforcement agency and its agents for any damages awarded against the law enforcement agency or its agents for their good faith conduct based on the request."

Section 4. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 45, chapter 6, part 2, and the provisions of Title 45, chapter 6, part 2, apply to [sections 1 and 2].

Approved April 17, 2025

CHAPTER NO. 180

[SB 10]

AN ACT EXTENDING TIMELINES RELATED TO ONSITE INSPECTION AND RECOMMENDATION OF DENIAL, APPROVAL, OR MODIFICATION OF AN EMERGENCY PROJECT WHEN THE GOVERNOR DECLARES A STATE OF EMERGENCY; REVISING THE NATURAL STREAMBED AND LAND PRESERVATION ACT OF 1975; AMENDING SECTION 75-7-113, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 75-7-113, MCA, is amended to read:

"**75-7-113. Emergencies -- procedure.** (1) The provisions of this part do not apply to those actions that are necessary to safeguard life or property, including growing crops, during periods of emergency. The person responsible for ~~a~~ taking action under this section shall notify the supervisors in writing within 15 days of the action taken as a result of an emergency.

(2) The emergency notice given under subsection (1) must contain the following information:

(a) the location of the action taken;

(b) a general description of the action taken;

(c) the date on which the action was taken; and

(d) an explanation of the emergency causing the need for the action taken.

(3) If the supervisors determine that the action taken meets the definition of a project, the supervisors shall send one copy of the notice, within 5 working days of its receipt, to the department.

(4) *(a)* ~~A~~ *Except as provided in subsection (4)(b), a* team~~,~~ called together as described in 75-7-112(2)~~,~~ shall make an onsite inspection within 20 days of receipt of the emergency notice.

(b) If the governor declares a state of emergency pursuant to 10-3-303, the team shall make an onsite inspection within 30 days of receipt of the emergency notice.

(5) *(a)* ~~Each~~ *Except as provided in subsection (5)(b), each* member of the team shall recommend in writing, within 30 days of the date of the emergency notice, *the member's* denial, approval, or modification of the project.

(b) If the governor declares a state of emergency pursuant to 10-3-303, each member of the team shall recommend in writing, within 40 days of the date of the emergency notice, the member's denial, approval, or modification of the project.

(6) The supervisors shall review the emergency project and affirm, overrule, or modify the individual team recommendations and notify the applicant and team members of their decision within 60 days of receipt of the emergency notice.

(7) A person who has undertaken an emergency action that is denied or modified shall submit written notice, as provided in 75-7-111, to obtain approval pursuant to 75-7-112 to mitigate the damages to the stream caused by the emergency action and to achieve a long-term solution, if feasible, to the

emergency situation. Notice under this subsection must be filed within 90 days after the supervisors' decision.

(8) (a) When a member of the team, other than an applicant, disagrees with the supervisors' decision of an emergency action, the team member shall request that an arbitration panel, as provided for in 75-7-114, be appointed to hear the dispute and to make a final written decision on the dispute.

(b) When an applicant disagrees with the supervisors' decision, the applicant shall, within 30 working days of receipt of the supervisors' decision:

(i) agree to arbitration under this section and request that an arbitration panel, as provided for in 75-7-114, be appointed to hear the dispute and make a final written decision regarding the dispute; or

(ii) appeal the decision of the supervisors to the district court for the county where the project is located.

(9) The failure of a person to perform the following subjects the person to civil and criminal penalties under 75-7-123:

(a) failure to provide emergency notice under subsection (1);

(b) failure to submit a notice of the project under subsection (7); or

(c) failure to implement the terms of a supervisors' decision for the purpose of mitigating the damage to the stream caused by the emergency action and of achieving a permanent solution, if feasible, to the emergency situation."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved April 17, 2025

CHAPTER NO. 181

[HB 308]

AN ACT EXTENDING THE DISTRIBUTION OF AND STATUTORY APPROPRIATION FOR METALLIFEROUS MINES LICENSE TAX COLLECTIONS TO COUNTIES; AND AMENDING SECTION 5, CHAPTER 442, LAWS OF 2009, SECTION 5, CHAPTER 387, LAWS OF 2015, AND SECTION 1, CHAPTER 213, LAWS OF 2017.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 5, Chapter 442, Laws of 2009, is amended to read:

"**Section 5. Termination.** [This act] terminates June 30, ~~2019~~ *2037 2035*."

Section 2. Section 5, Chapter 387, Laws of 2015, is amended to read:

"**Section 5. Termination.** *(1)* ~~[This act]~~ *Except as provided in subsection (2), [this act]* terminates June 30, 2027.

(2) [Section 1] terminates June 30, ~~2027~~ 2035."

Section 3. Section 1, Chapter 213, Laws of 2017, is amended to read:

"**Section 1.** Section 5, Chapter 442, Laws of 2009, is amended to read:

"**Section 5. Termination.** [This act] terminates June 30, ~~2019~~ *2027 ~~2037~~ 2035*.""

Approved April 17, 2025

CHAPTER NO. 182

[HB 279]

AN ACT REVISING THE COUNTIES UNDER EACH DISTRICT FOR APPOINTMENTS TO THE BOARD OF PUBLIC EDUCATION, THE BOARD

OF REGENTS, THE COAL BOARD, AND THE HARD-ROCK MINING IMPACT BOARD; AND AMENDING SECTION 2-15-156, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-15-156, MCA, is amended to read:

"**2-15-156. Districts for certain appointments.** For appointment of persons provided for in 2-15-1508, 2-15-1821, and 2-15-1822, the districts are the following counties:

(1) District 1: Lincoln, Flathead, *Glacier,* Sanders, Lake, Mineral, Missoula, Ravalli, Powell, Granite, Deer Lodge, Silver Bow, ~~Jefferson, Broadwater,~~ Beaverhead, Madison, *and* Gallatin~~, Park, Sweet Grass, Stillwater, and Carbon~~;

(2) District 2: ~~Glacier,~~ Toole, Liberty, Hill, Blaine, Phillips, Valley, Daniels, Sheridan, Roosevelt, Richland, McCone, Garfield, Petroleum, Fergus, Judith Basin, Cascade, Chouteau, Teton, Pondera, Lewis and Clark, *Jefferson, Broadwater,* Meagher, *Park, Sweet Grass,* Wheatland, Golden Valley, *Stillwater, Carbon,* Musselshell, Treasure, Rosebud, Custer, Prairie, Dawson, Wibaux, Fallon, Carter, Powder River, Big Horn, and Yellowstone."

Section 2. Transition. The provisions of [this act] apply to any vacancies arising after [the effective date of this act] and do not displace any members serving as of [the effective date of this act].

Approved April 17, 2025

CHAPTER NO. 183

[HB 261]

AN ACT PROVIDING FOR PROCEDURAL RULEMAKING AUTHORITY TO THE DEPARTMENT OF LABOR AND INDUSTRY; ESTABLISHING RULEMAKING IN CONTESTED ADMINISTRATIVE CASES; AND AMENDING SECTION 37-1-101, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 37-1-101, MCA, is amended to read:

"**37-1-101. Duties of department.** In addition to the provisions of 2-15-121, the department shall:

(1) establish and provide all the administrative, legal, and clerical services needed by the boards within the department, including corresponding, receiving, and processing routine applications for licenses as defined by a board, issuing and renewing routine licenses as defined by a board, disciplining licensees, setting administrative fees, preparing agendas and meeting notices, conducting mailings, taking minutes of board meetings and hearings, and filing. In issuing routine licenses for a board, the department shall issue a license within 45 days from the time of receiving a completed application or, within 10 calendar days, provide notice and response timelines to the applicant of deficiencies in the application or provide information as to any exigent circumstances that may delay issuing a license. For nonroutine licenses, the department shall confer with the board to which the licensure application is made and provide an expected timeline to an applicant for issuing a license, including notifying the applicant from that time forward of any deviations from the expected timeline.

(2) standardize policies and procedures and keep in Helena all official records of the boards;

(3) make arrangements and provide facilities in Helena for all meetings, hearings, and examinations of each board or elsewhere in the state if requested by the board;

(4) contract for or administer and grade examinations required by each board;

(5) investigate complaints received by the department of illegal or unethical conduct of a member of the profession or occupation under the jurisdiction of a board or a program within the department;

(6) assess the costs of the department to the boards and programs on an equitable basis as determined by the department;

(7) adopt rules setting administrative fees and expiration, renewal, and termination dates for licenses;

(8) issue a notice to and pursue an action against a licensed individual, as a party, before the licensed individual's board after a finding of reasonable cause by a screening panel of the board pursuant to 37-1-307(1)(d);

(9) (a) provide notice to the board and to the appropriate legislative interim committee when a board cannot operate in a cost-effective manner;

(b) suspend all duties under this title related to the board except for services related to renewal of licenses;

(c) review the need for a board and make recommendations to the legislative interim committee with monitoring responsibility for the boards for legislation revising the board's operations to achieve fiscal solvency; and

(d) notwithstanding 2-15-121, recover the costs by one-time charges against all licensees of the board after providing notice and meeting the requirements under the Montana Administrative Procedure Act;

(10) monitor a board's cash balances to ensure that the balances do not exceed two times the board's annual appropriation level and adjust fees through administrative rules when necessary. This subsection does not apply to the board of public accountants, except that the department may monitor the board's cash balances.

(11) establish policies and procedures to set fees for administrative services, as provided in 37-1-134, commensurate with the cost of the services provided. Late penalty fees may be set without being commensurate with the cost of services provided.

(12) adopt uniform rules for all boards and department programs to*:*

(a) establish procedures for contested cases; and

(b) comply with the public notice requirements of 37-1-311 and 37-1-405. The rules may require the posting of only the licensee's name and the fact that a hearing is being held when the information is being posted on a publicly available website prior to a decision leading to a suspension or revocation of a license or other final decision of a board or the department."

Approved April 17, 2025

CHAPTER NO. 184

[HB 248]

AN ACT REVISING ELECTION LAWS RELATED TO REGISTRATION CANCELLATION; AMENDING SECTION 13-2-402, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 13-2-402, MCA, is amended to read:

"**13-2-402. Reasons for cancellation.** The election administrator shall cancel the registration of an elector if:

(1) the elector submits a written request for cancellation;

(2) a certificate of the death of the elector is filed or if the elector is reported to the election administrator as deceased by the department of public health and human services in the department's reports submitted to the county under 50-15-409 or through ~~a newspaper~~ *an* obituary;

(3) the elector is of unsound mind as established by a court;

(4) the incarceration of the elector in a penal institution for a felony conviction is legally established;

(5) a certified copy of a court order directing the cancellation is filed with the election administrator;

(6) a notice is received from the secretary of state or from another county or state that the elector has registered in another county or state;

(7) the elector:

(a) fails to respond to certain confirmation mailings;

(b) is placed on the inactive list; and

(c) then fails to vote in two consecutive federal general elections; or

(8) the elector fails to meet any voter qualification that is listed in 13-1-111."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved April 17, 2025

CHAPTER NO. 185

[HB 244]

AN ACT REVISING LICENSES ISSUED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FOR DEPLOYED ARMED SERVICE MEMBERS; AND AMENDING SECTION 87-2-817, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 87-2-817, MCA, is amended to read:

"**87-2-817. Licenses for service members.** (1) A veteran or a disabled member of the armed forces who meets the qualifications in 87-2-803(9) as a result of a combat-connected injury may apply at a fish, wildlife, and parks office for a regular Class A-3 deer A tag, a Class A-4 deer B tag, a Class B-7 deer A tag, a Class B-8 deer B tag, and a special antelope license made available under 87-2-506(3) for one-half of the license fee. Licenses issued to veterans or disabled members of the armed forces under this part do not count against the number of special antelope licenses reserved for people with permanent disabilities, as provided in 87-2-706.

(2) (a) A Montana resident who is a member of the Montana national guard or the federal reserve as provided in 10 U.S.C. 10101 or who was otherwise engaged in active duty and who participated in a contingency operation as provided in 10 U.S.C. 101(a)(13) that required the member to serve at least 2 months outside of the state, upon request and upon presentation of the documentation described in subsection (2)(c), must be issued a free resident conservation license and a Class A resident fishing license or a Class AAA resident combination sports license, which may not include a Class A-6 black bear tag, upon payment of the resident base hunting license fee in 87-2-116 and the purchase of the resident aquatic invasive species prevention pass pursuant to 87-2-130, in the license year that the member returns from military service

or in the year following the member's return, based on the member's election, and in any of the 4 years after the member's election.

(b) If a Montana resident who meets the service qualifications of subsection (2)(a) is subsequently required to serve another 2 months or more outside of the state under the same service qualifications, the entitlement to free licenses provided pursuant to subsection (2)(a) resets and the member may start a new 5-year entitlement period beginning in the license year that the member returns from the subsequent military service or in the year following the member's return, based on the member's election. There is no limit on the number of times the entitlement period may be reset if the Montana resident repeatedly meets the service qualifications of subsection (2)(a).

(c) To be eligible for the free licenses provided for in subsection (2)(a) or (2)(b), an applicant shall, in addition to the written application and proof of residency required in 87-2-202(1), provide to any regional department office or to the department headquarters in Helena, by mail or in person, the member's DD form 214 verifying the member's release or discharge from active duty. The applicant is responsible for providing documentation showing that the applicant participated in a contingency operation as provided in 10 U.S.C. 101(a)(13).

(d) The department's general license account must be reimbursed by a quarterly transfer of funds from the general fund to the general license account for costs associated with the free licenses granted pursuant to this subsection (2) during the preceding calendar quarter. Reimbursement costs must be designated as license revenue.

(3) A member of the armed forces who forfeited a license or permit issued through a drawing as a result of deployment ~~outside of the continental United States~~ *for at least 2 months outside of the state* in support of a contingency operation as provided in 10 U.S.C. 101(a)(13) is guaranteed the same license or permit, without additional fee, upon application in the year of the member's return from deployment or in the first year that the license or permit is made available after the member's return."

Approved April 17, 2025

CHAPTER NO. 186

[HB 234]

AN ACT AUTHORIZING REAPPROPRIATIONS FOR PROJECTS; AMENDING SECTION 5, CHAPTER 763, LAWS OF 2023; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 5, Chapter 763, Laws of 2023, is amended to include a new subsection (11) as follows:

"Section 5. Capital improvement projects.

(11) For the biennium ending June 30, 2027, the appropriations in subsection (10) are reappropriated for the purposes of the original appropriation."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved April 17, 2025

CHAPTER NO. 187

[HB 233]

AN ACT PROVIDING FOR THE TRANSFER OF TITLE OF OPEN SPACES IN A RECORDED FINAL PLAT TO A HOMEOWNERS' ASSOCIATION; REQUIRING A PUBLIC HEARING; PROVIDING A DEFINITION; AMENDING SECTIONS 76-3-103, 76-8-101, 76-25-103, AND 76-25-411, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Transfer of title of open spaces in recorded final plat. (1) After a final subdivision plat has been filed for record with the county clerk and recorder, a homeowners' association may file a petition with the governing body to transfer title to the homeowners' association of any open spaces, parks, or similar common-use areas set aside in the final plat if the following conditions are met:

(a) the homeowners' association is organized in accordance with the covenants;

(b) the covenants require the homeowners' association to maintain, repair, or insure the open spaces, parks, or similar common-use areas; ~~and~~

(c) the governing body finds that it was the intent of the subdivider that the open spaces, parks, or similar common-use areas be owned by the homeowners' association; and

(d) the property to be transferred is not owned by a person.

(2) The petition under subsection (1) must be signed by an authorized representative of the homeowners' association.

(3) After a public hearing on the petition, the governing body shall issue written findings of fact and a decision based on the record. If the requirements of subsection (1) have been met, the governing body shall approve the transfer. If the governing body approves the transfer, the approval must be recorded with the clerk and recorder.

Section 2. Section 76-3-103, MCA, is amended to read:

"**76-3-103. Definitions.** As used in this chapter, unless the context or subject matter clearly requires otherwise, the following definitions apply:

(1) "Certificate of survey" means a drawing of a field survey prepared by a registered surveyor for the purpose of disclosing facts pertaining to boundary locations.

(2) "Cluster development" means a subdivision with lots clustered in a group of five or more lots that is designed to concentrate building sites on smaller lots in order to reduce capital and maintenance costs for infrastructure through the use of concentrated public services and utilities, while allowing other lands to remain undeveloped.

(3) "Dedication" means the deliberate appropriation of land by an owner for any general and public use, reserving to the landowner no rights that are incompatible with the full exercise and enjoyment of the public use to which the property has been devoted.

(4) "Division of land" means the segregation of one or more parcels of land from a larger tract held in single or undivided ownership by transferring or contracting to transfer title to a portion of the tract or properly filing a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to this chapter. The conveyance of a tract of record or an entire parcel of land that was created by a previous division of land is not a division of land.

(5) "Examining land surveyor" means a registered land surveyor appointed by the governing body to review surveys and plats submitted for filing.

(6) "Final plat" means the final drawing of the subdivision and dedication required by this chapter to be prepared for filing for record with the county clerk and recorder and containing all elements and requirements set forth in this chapter and in regulations adopted pursuant to this chapter.

(7) "Governing body" means a board of county commissioners or the governing authority of a city or town organized pursuant to law.

(8) "Homeowners' association" means an association of all the owners of real property within a geographic area defined by physical boundaries that:

(a) is formally governed by a declaration of covenants, bylaws, or both;

(b) may be authorized to impose assessments that, if unpaid, may become a lien on a member's real property; and

(c) may enact or enforce rules concerning the operation of the community or subdivision.

~~(8)~~*(9)* "Immediate family" means a spouse, children by blood or adoption, and parents.

~~(9)~~*(10)* "Minor subdivision" means a subdivision that creates five or fewer lots from a tract of record.

~~(10)~~*(11)* "Phased development" means a subdivision application and preliminary plat that at the time of submission consists of independently platted development phases that are scheduled for review on a schedule proposed by the subdivider.

~~(11)~~*(12)* "Planned unit development" means a land development project consisting of residential clusters, industrial parks, shopping centers, or office building parks that compose a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in common ownership or use.

~~(12)~~*(13)* "Plat" means a graphical representation of a subdivision showing the division of land into lots, parcels, blocks, streets, alleys, and other divisions and dedications.

~~(13)~~*(14)* "Preliminary plat" means a neat and scaled drawing of a proposed subdivision showing the layout of streets, alleys, lots, blocks, and other elements of a subdivision that furnish a basis for review by a governing body.

~~(14)~~*(15)* "Public utility" has the meaning provided in 69-3-101, except that for the purposes of this chapter, the term includes county or consolidated city and county water or sewer districts as provided for in Title 7, chapter 13, parts 22 and 23, and municipal sewer or water systems and municipal water supply systems established by the governing body of a municipality pursuant to Title 7, chapter 13, parts 42, 43, and 44.

~~(15)~~*(16)* "Subdivider" means a person who causes land to be subdivided or who proposes a subdivision of land.

~~(16)~~*(17)* "Subdivision" means a division of land or land so divided that it creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title to the parcels may be sold or otherwise transferred and includes any resubdivision and a condominium. The term also means an area, regardless of its size, that provides or will provide multiple spaces for rent or lease on which recreational camping vehicles or mobile homes will be placed.

~~(17)~~*(18)* (a) "Tract of record" means an individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder's office.

(b) Each individual tract of record continues to be an individual parcel of land unless the owner of the parcel has joined it with other contiguous parcels by filing with the county clerk and recorder:

(i) an instrument of conveyance in which the aggregated parcels have been assigned a legal description that describes the resulting single parcel and in which the owner expressly declares the owner's intention that the tracts be merged; or

(ii) a certificate of survey or subdivision plat that shows that the boundaries of the original parcels have been expunged and depicts the boundaries of the larger aggregate parcel.

(c) An instrument of conveyance does not merge parcels of land under subsection ~~(17)(b)(i)~~ *(18)(b)(i)* unless the instrument states, "This instrument is intended to merge individual parcels of land to form the aggregate parcel(s) described in this instrument" or a similar statement, in addition to the legal description of the aggregate parcels, clearly expressing the owner's intent to effect a merger of parcels."

Section 3. Section 76-8-101, MCA, is amended to read:

"**76-8-101. Definitions.** As used in this part, the following definitions apply:

(1) "Building" means a structure or a unit of a structure with a roof supported by columns or walls for the permanent or temporary housing or enclosure of persons or property or for the operation of a business. Except as provided in ~~76-3-103(16)~~ *76-3-103(17),* the term includes a recreational camping vehicle, mobile home, or cell tower. The term does not include a condominium or townhome.

(2) "Department" means the department of environmental quality provided for in 2-15-3501.

(3) "Governing body" means the legislative authority for a city, town, county, or consolidated city-county government.

(4) "Landowner" means an owner of a legal or equitable interest in real property. The term includes an heir, successor, or assignee of the ownership interest.

(5) "Local reviewing authority" means a local department or board of health that is approved to conduct reviews under Title 76, chapter 4.

(6) "Supermajority" means:

(a) an affirmative vote of at least two-thirds of the present and voting members of a city or town council;

(b) a unanimous affirmative vote of the present and voting county commissioners in counties with three county commissioners;

(c) an affirmative vote of at least four-fifths of the present and voting county commissioners in counties with five commissioners;

(d) an affirmative vote of at least two-thirds of the present and voting county commissioners in counties with more than five commissioners; or

(e) an affirmative vote of at least two-thirds of the present and voting members of the governing body of a consolidated city-county government.

(7) "Tract" means an individual parcel of land that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder's office."

Section 4. Section 76-25-103, MCA, is amended to read:

"**76-25-103. Definitions.** As used in this chapter, unless the context or subject matter clearly requires otherwise, the following definitions apply:

(1) "Aggrieved party" means a person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, who has been or is likely to be specially and injuriously affected by the decision.

(2) "Applicant" means a person who seeks a land use permit or other approval of a development proposal.

(3) "Built environment" means man-made or modified structures that provide people with living, working, and recreational spaces.

(4) "Cash-in-lieu donation" is the amount equal to the fair market value of unsubdivided, unimproved land.

(5) "Certificate of survey" means a drawing of a field survey prepared by a registered surveyor for the purpose of disclosing facts pertaining to boundary locations.

(6) "Dedication" means the deliberate appropriation of land by an owner for any general and public use, reserving to the landowner no rights that are incompatible with the full exercise and enjoyment of the public use to which the property has been devoted.

(7) "Division of land" means the segregation of one or more parcels of land from a larger tract held in single or undivided ownership by transferring or contracting to transfer title to a portion of the tract or properly filing a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to this chapter. The conveyance of a tract of record or an entire parcel of land that was created by a previous division of land is not a division of land.

(8) "Dwelling" means a building designed for residential living purposes, including single-unit, two-unit, and multi-unit dwellings.

(9) "Dwelling unit" means one or more rooms designed for or occupied exclusively by one household.

(10) "Examining land surveyor" means a registered land surveyor appointed by the governing body to review surveys and plats submitted for filing.

(11) "Final plat" means the final drawing of the subdivision and dedication required by this chapter to be prepared for filing for record with the county clerk and recorder and containing all elements and requirements set forth in this chapter and in regulations adopted pursuant to this chapter.

(12) "Four-unit dwelling" or "fourplex" means a building designed for four attached dwelling units in which the dwelling units share a common separation, such as a ceiling or wall, and in which access cannot be gained between the units through an internal doorway, excluding common hallways.

(13) "Homeowners' association" means an association of all the owners of real property within a geographic area defined by physical boundaries that:

(a) is formally governed by a declaration of covenants, bylaws, or both;

(b) may be authorized to impose assessments that, if unpaid, may become a lien on a member's real property; and

(c) may enact or enforce rules concerning the operation of the community or subdivision.

~~(13)~~*(14)* "Immediate family" means a spouse, children by blood or adoption, and parents.

~~(14)~~*(15)* "Irrigation district" means a district established pursuant to Title 85, chapter 7.

~~(15)~~*(16)* "Jurisdictional area" or "jurisdiction" means the area within the boundaries of the local government. For municipalities, the term includes those areas the local government anticipates may be annexed into the municipality over the next 20 years.

~~(16)~~*(17)* "Land use permit" means an authorization to complete development in conformance with an application approved by the local government.

~~(17)~~*(18)* "Land use plan" means the land use plan and future land use map adopted in accordance with this chapter.

~~(18)~~*(19)* "Land use regulations" means zoning, zoning map, subdivision, or other land use regulations authorized by state law.

~~(19)~~*(20)* "Local governing body" or "governing body" means the elected body responsible for the administration of a local government.

~~(20)~~*(21)* "Local government" means a county, consolidated city-county, or an incorporated municipality to which the provisions of this chapter apply as provided in 76-25-105.

~~(21)~~*(22)* "Manufactured housing" means a dwelling for a single household, built offsite in a factory that is in compliance with the applicable prevailing standards of the United States department of housing and urban development at the time of its production. A manufactured home does not include a mobile home or housetrailer, as defined in 15-1-101.

~~(22)~~*(23)* "Ministerial permit" means a permit granted upon a determination that a proposed project complies with the zoning map and the established standards set forth in the zoning regulations. The determination must be based on objective standards, involving little or no personal judgment, and must be issued by the planning administrator.

~~(23)~~*(24)* "Multi-unit dwelling" means a building designed for five or more attached dwelling units in which the dwelling units share a common separation, such as a ceiling or wall, and in which access cannot be gained between the units through an internal doorway, excluding common hallways.

~~(24)~~*(25)* "Permitted use" means a use that may be approved by issuance of a ministerial permit.

~~(25)~~*(26)* "Planning administrator" means the person designated by the local governing body to review, analyze, provide recommendations, or make final decisions on any or all zoning, subdivision, and other development applications as required in this chapter.

~~(26)~~*(27)* "Plat" means a graphical representation of a subdivision showing the division of land into lots, parcels, blocks, streets, alleys, and other divisions and dedications.

~~(27)~~*(28)* "Preliminary plat" means a neat and scaled drawing of a proposed subdivision showing the layout of streets, alleys, lots, blocks, and other elements of a subdivision that furnish a basis for review by a governing body.

~~(28)~~*(29)* "Public utility" has the meaning provided in 69-3-101, except that for the purposes of this chapter, the term includes a county water or sewer district as provided for in Title 7, chapter 13, parts 22 and 23, and municipal sewer or water systems and municipal water supply systems established by the governing body of a municipality pursuant to Title 7, chapter 13, parts 42, 43, and 44.

~~(29)~~*(30)* "Single-room occupancy development" means a development with dwelling units in which residents rent a private bedroom with a shared kitchen and bathroom facilities.

~~(30)~~*(31)* "Single-unit dwelling" means a building designed for one dwelling unit that is detached from any other dwelling unit.

~~(31)~~*(32)* "Subdivider" means a person who causes land to be subdivided or who proposes a subdivision of land.

~~(32)~~*(33)* "Subdivision" means a division of land or land so divided that it creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title to the parcels may be sold or otherwise transferred and includes any resubdivision and a condominium. The term also means an area, regardless of its size, that provides or will provide multiple spaces for rent or lease on which recreational camping vehicles or mobile homes will be placed.

~~(33)~~*(34)* "Subdivision guarantee" means a form of guarantee that is approved by the commissioner of insurance and is specifically designed to disclose the information required in 76-25-413.

~~(34)~~*(35)* "Tract of record" means an individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder's office.

~~(35)~~*(36)* "Three-unit dwelling" or "triplex" means a building designed for three attached dwelling units in which the dwelling units share a common separation, such as a ceiling or wall, and in which access cannot be gained between the units through an internal doorway, excluding common hallways.

~~(36)~~*(37)* "Two-unit dwelling" or "duplex" means a building designed for two attached dwelling units in which the dwelling units share a common separation, such as a ceiling or wall, and in which access cannot be gained between the units through an internal doorway."

Section 5. Section 76-25-411, MCA, is amended to read:

"**76-25-411. Filing and recordation of plats and certificates of survey.** (1) (a) Except as provided in subsection (1)(b), every final plat or certificate of survey must be filed for record with the county clerk and recorder before title to the land may be sold or transferred in any manner. The clerk and recorder of the county may not accept any final plat or certificate of survey for record that has not been approved in accordance with this part unless the final plat or certificate of survey is located in an area over which the state does not have jurisdiction.

(b) After the preliminary plat of a subdivision has been approved or conditionally approved, the subdivider may enter into contracts to sell lots in the proposed subdivision if all of the following contract conditions are imposed and met:

(i) the purchasers of lots in the proposed subdivision make payments to an escrow agent, which must be a bank or savings and loan association chartered to do business in the state of Montana;

(ii) the payments made by purchasers of lots in the proposed subdivision may not be distributed by the escrow agent to the subdivider until the final plat of the subdivision is filed with the county clerk and recorder;

(iii) if the final plat of the proposed subdivision is not filed with the county clerk and recorder within the approval period of the preliminary plat, the escrow agent shall immediately refund to each purchaser any payments the purchaser has made under the contract;

(iv) the county treasurer has certified that no real property taxes assessed and levied on the land to be divided are delinquent; and

(v) the following language is conspicuously set out in each contract: "The real property that is the subject of this contract has not been finally platted, and until a final plat identifying the property has been filed with the county clerk and recorder, title to the property may not be transferred in any manner".

(2) (a) Subject to subsection (2)(b), no division of land may be made unless the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be divided have been paid.

(b) (i) If a division of land includes centrally assessed property and the property taxes applicable to the division of land are not specifically identified in the tax assessment, the department of revenue shall prorate the taxes applicable to the land being divided on a reasonable basis. The owner of the centrally assessed property shall ensure that the prorated real property taxes and special assessments are paid on the land being sold before the division of land is made.

(ii) The county treasurer may accept the amount of the tax prorated pursuant to this subsection (2)(b) as a partial payment of the total tax that is due.

(3) (a) The county clerk and recorder shall maintain an index of all recorded and filed subdivision plats and certificates of survey.

(b) The index must list plats and certificates of survey by the quarter section, section, township, and range in which the platted or surveyed land lies and must list the recording or filing numbers of all plats or certificates of survey depicting lands lying within each quarter section. Each quarter section list must be definitive to the exclusion of all other quarter sections. The index must also list the names of all subdivision plats in alphabetical order and the place where filed.

(4) The recording of any plat made in compliance with the provisions of this chapter must serve to establish the identity of all lands shown on and being part of the plat. When lands are conveyed by reference to a plat, the plat itself or any copy of the plat properly certified by the county clerk and recorder as being a true copy thereof must be regarded as incorporated into the instrument of conveyance and must be received in evidence in all courts of this state.

(5) (a) Any plat prepared and recorded as provided in this part may be vacated either in whole or in part as provided by 7-5-2501, 7-5-2502, 7-14-2616(1) and (2), 7-14-2617, 7-14-4114(1) and (2), and 7-14-4115. Upon vacation, the governing body or the district court, as provided in 7-5-2502, shall determine to which properties the title to the streets and alleys of the vacated portions must revert. The governing body or the district court, as provided in 7-5-2502, shall take into consideration:

(i) the previous platting;

(ii) the manner in which the right-of-way was originally dedicated, granted, or conveyed;

(iii) the reasons stated in the petition requesting the vacation;

(iv) the parties requesting the vacation; and

(v) any agreements between the adjacent property owners regarding the use of the vacated area. The title to the streets and alleys of the vacated portions may revert to one or more of the owners of the properties within the platted area adjacent to the vacated portions.

(b) Notwithstanding the provisions of subsection (5)(a), when any poleline, pipeline, or any other public or private facility is located in a vacated street or alley at the time of the reversion of the title to the vacated street or alley, the owner of the public or private utility facility has an easement over the vacated land to continue the operation and maintenance of the public utility facility.

(6) (a) After a final subdivision plat has been filed for record with the county clerk and recorder, a homeowners' association may file a petition with the governing body to transfer title to the homeowners' association of any open spaces, parks, or similar common-use areas set aside in the final plat if the following conditions are met:

(i) the homeowners' association is organized in accordance with the covenants;

(ii) the covenants require the homeowners' association to maintain, repair, or insure the open spaces, parks, or similar common-use areas;

(iii) the governing body finds that it was the intent of the subdivider that the open spaces, parks, or similar common-use areas be owned by the homeowners' association; and

(iv) the property to be transferred is not owned by a person.

(b) The petition under subsection (6)(a) must be signed by an authorized representative of the homeowners' association.

(c) After a public hearing on the petition, the governing body shall issue written findings of fact and a decision based on the record. If the requirements of subsection (6)(a) have been met, the governing body shall approve the transfer. If the governing body approves the transfer, the approval must be recorded with the clerk and recorder."

Section 6. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 76, chapter 3, part 3, and the provisions of Title 76, chapter 3, part 3, apply to [section 1].

Section 7. Effective date. [This act] is effective on passage and approval.

Section 8. Applicability. [This act] applies retroactively, within the meaning of 1-2-109, to final subdivision plats recorded on or after October 1, 1973.

Approved April 17, 2025

CHAPTER NO. 188

[HB 219]

AN ACT PERMITTING REIMBURSEMENTS TO ALL INDIVIDUALS FOR RECEIPTS OF COSTS INCURRED RELATED TO THE HUNTING OR TRAPPING OF WOLVES FOR ALL LAWFULLY HARVESTED WOLVES; AND AMENDING SECTION 87-6-214, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 87-6-214, MCA, is amended to read:

"**87-6-214. Unlawful contest or prize.** (1) (a) Except as provided in subsections (1)(b) through (1)(d), a person, firm, or club may not offer or give a prize, gift, or anything of value in connection with or as a bag limit prize for the taking, capturing, killing, or in any manner acquiring any game, fowl, or fur-bearing animal or any bird or animal protected by law.

(b) A prize may be awarded for any one game bird or fur-bearing animal on the basis of size, quality, or rarity.

(c) A person may conduct or sponsor a contest for which the monetary prize, certificate, or award does not exceed $50 for a person who kills a game animal possessing the largest antlers or horns, carrying the greatest weight, or having the longest body or any similar contest based ~~upon~~ *on* the size or weight of a game animal or part of a game animal. The monetary restriction provided in this subsection (1)(c) does not apply to recognition given by a nationally established and recognized Boone and Crockett trophy institute.

(d) Reimbursements for receipts of costs incurred related to the hunting or trapping of wolves may be given to persons ~~licensed to hunt or trap wolves~~ *who lawfully harvest wolves* pursuant to Title 87, ~~chapter~~ *chapters 1 and* 2.

(2) A person convicted of a violation of this section shall be fined not less than $50 or more than $1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, ~~upon~~ *on* conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court."

Approved April 17, 2025

CHAPTER NO. 189

[HB 189]

AN ACT REVISING THE REIMBURSEMENT DATE FOR PETROLEUM STORAGE TANK CLEANUP FUNDS; EXTENDING RULEMAKING AUTHORITY; AMENDING SECTIONS 75-11-307 AND 75-11-308, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 75-11-307, MCA, is amended to read:

"**75-11-307. Reimbursement for expenses caused by release.** (1) Subject to the availability of money from the fund under subsection (6), an owner or operator who is eligible under 75-11-308 and who complies with 75-11-309 and any rules adopted to implement those sections must be reimbursed by the board from the fund for the following eligible costs caused by a release from a petroleum storage tank:

(a) corrective action costs as required by a department-approved corrective action plan, except that if the corrective action plan:

(i) addresses releases of substances other than petroleum products from an eligible petroleum storage tank, the board may reimburse only the costs that would have reasonably been incurred if the only release at the site was the release of the petroleum or petroleum products from the eligible petroleum storage tank;

(ii) includes the establishment of a petroleum mixing zone, as defined in 75-11-503, the board may reimburse the cost of an easement established pursuant to 75-11-508; or

(iii) includes costs for the purpose of intentionally remediating the release from a petroleum storage tank that exceed department standards; and

(b) compensation paid to third parties for bodily injury or property damage. The board may not reimburse for property damage until the corrective action is completed.

(2) An owner or operator may not be reimbursed from the fund for the following expenses:

(a) corrective action costs or the costs of bodily injury or property damage paid to third parties that are determined by the board to be ineligible for reimbursement;

(b) costs for bodily injury and property damage, other than corrective action costs, incurred by the owner or operator;

(c) penalties or payments for damages incurred under actions by the department, board, or federal, state, local, or tribal agencies or other government entities involving judicial or administrative enforcement activities and related negotiations;

(d) attorney fees and legal costs of the owner, the operator, or a third party;

(e) costs for the repair or replacement of a tank or piping or costs of other materials, equipment, or labor related to the operation, repair, or replacement of a tank or piping;

(f) expenses incurred before ~~April 13, 1989~~ *January 1, 1984*, for owners or operators seeking reimbursement from the petroleum tank release cleanup fund and expenses incurred before May 15, 1991, for owners or operators seeking reimbursement from the petroleum tank release cleanup fund for a tank storing heating oil for consumptive use on the premises where it is stored or for a farm or residential tank with a capacity of 1,100 gallons or less that is used for storing motor fuel for noncommercial purposes;

(g) expenses exceeding the maximum reimbursements provided for in subsection (4);

(h) costs for which an owner or operator has received reimbursement or payment from an insurer or other third party, including a grantor;

(i) expenses for work completed by or on behalf of the owner or operator more than 5 years prior to the owner's or operator's request for reimbursement. This limitation does not apply to claims for compensation paid to third parties for bodily injury or property damage. The running of the 5-year limitation period is suspended by an appeal of the board's denial of eligibility for reimbursement. If a written request for hearing is filed under 75-11-309, the suspension of the 5-year limitation period is effective from the date of the board's initial eligibility denial to the date on which the initial eligibility denial is overturned or reversed by the board, a district court, or the state supreme court, whichever occurs latest. The board may grant reasonable extensions of this limitation period if it is shown that the need for the extension is not due to the negligence of the owner or operator or agent of the owner or operator.

(j) costs that the board has determined are not reasonable costs of responding to the release and implementing the corrective action plan, as provided for in 75-11-309, including costs included in a department-approved corrective action plan for the purpose of remediating the release in excess of department standards.

(3) An owner or operator may designate a person, including a grantor, as an agent to receive the reimbursement for eligible costs incurred by the person if the owner or operator remains legally responsible for all costs and liabilities incurred as a result of the release.

(4) Subject to the availability of funds under subsection (6):

(a) for releases eligible for reimbursement from the fund that are discovered and reported on or after ~~April 13, 1989~~ *January 1, 1984*, from a tank storing heating oil for consumptive use on the premises where it is stored or from a farm or residential tank with a capacity of 1,100 gallons or less that is used for storing motor fuel for noncommercial purposes, the board shall reimburse an owner or operator for:

(i) 100% of the eligible costs, up to a maximum total reimbursement of $500,000, for properly designed and installed double-walled tank system releases that were discovered and reported on or after October 1, 1993, and before October 1, 2009; or

(ii) 50% of the first $10,000 of eligible costs and 100% of subsequent eligible costs, up to a maximum total reimbursement of $495,000 for all other releases; and

(b) for all other releases eligible for reimbursement from the fund that are discovered and reported on or after ~~April 13, 1989~~ *January 1, 1984*, the board shall reimburse an owner or operator for:

(i) 100% of the eligible costs, up to a maximum total reimbursement of $1 million, for properly designed and installed double-walled tank system releases that were discovered and reported on or after October 1, 1993, and before October 1, 2009; or

(ii) 50% of the first $35,000 of eligible costs and 100% of subsequent eligible costs, up to a maximum total reimbursement of $982,500 for all other releases.

(5) If an insurer or grantor pays or reimburses an owner or operator for costs that qualify as eligible costs under subsection (1), the costs paid or reimbursed by the insurer or grantor:

(a) are considered to have been paid by the owner or operator toward satisfaction of the 50% share requirements of subsection (4)(a)(ii) or (4)(b)(ii) if

the owner or operator receives the payment or reimbursement before applying for reimbursement from the board;

(b) are not reimbursable from the fund unless the grantor is designated by the owner or operator as an agent to receive the reimbursement for eligible costs incurred by the grantor; and

(c) except for the amount considered to have been paid by the owner or operator pursuant to subsection (5)(a), are considered to have been reimbursed from the fund for purposes of determining when the board has paid the maximum amount payable from the fund under subsection (4)(a)(ii) or (4)(b)(ii).

(6) If the ending monthly balance of the fund is less than $1.5 million, excluding a reimbursement for a cost associated with an emergency response, a reimbursement may not be made and the fund and the board are not liable for making any reimbursement for the costs at that time. When the ending monthly balance of the fund contains more than $1.5 million, eligible costs must be reimbursed subsequently in the order in which they were approved by the board."

Section 2. Section 75-11-308, MCA, is amended to read:

"**75-11-308. Eligibility.** (1) An owner or operator is eligible for reimbursement for the applicable percentage as provided in 75-11-307(4)(a) and (4)(b) of eligible costs caused by a release from a petroleum storage tank only if:

(a) the release was discovered on or after ~~April 13, 1989~~ *January 1, 1984*;

(b) the release occurred from:

(i) an underground storage tank, as defined in 75-11-503, that was in compliance with 75-11-509 at the time that the release was discovered;

(ii) a petroleum storage tank, as defined in 75-11-302, that was in compliance with the applicable state and federal laws and rules that the board determines pertain to the prevention and mitigation of a petroleum release from a petroleum storage tank at the time that the release was discovered; or

(iii) an underground storage tank, as defined in 75-11-503, that the board determines was unknown to both the property owner and the department prior to its discovery if the owner applies to the department for a closure permit in accordance with 75-11-212 within 30 days of the date upon which the owner first had knowledge of the tank and closes the tank in accordance with the requirements of the permit before the permit expires; and

(c) the release was an accidental release.

(2) An owner or operator is not eligible for reimbursement from the petroleum tank release cleanup fund for expenses caused by releases from the following petroleum storage tanks:

(a) a tank located at a refinery or a terminal of a refiner;

(b) a tank located at an oil and gas production facility;

(c) a tank that is or was previously under the ownership or control of a railroad, except for a tank that was operated by a lessee of a railroad in the course of nonrailroad operations;

(d) a tank belonging to the federal government;

(e) a tank owned or operated by a person who has been convicted of a substantial violation of state or federal law or rule that relates to the installation, operation, or management of petroleum storage tanks; or

(f) a mobile storage tank used to transport petroleum or petroleum products from one location to another."

Section 3. Effective date. [This act] is effective July 1, 2025.

Approved April 17, 2025

CHAPTER NO. 190

[HB 186]

AN ACT INCREASING THE SIZE OF THE BOARD OF PARDONS AND PAROLE; PROVIDING FOR A TRANSITION; AMENDING SECTION 2-15-2305, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-15-2305, MCA, is amended to read:

"**2-15-2305. Montana board of pardons and parole -- composition and qualifications -- allocation -- quasi-judicial.** (1) There is a board of pardons and parole consisting of ~~five~~ *six* members.

(2) Board members must possess at least one of the following qualifications:

(a) a college degree in criminology, corrections, or a related social science;

(b) at least 5 years of extensive work experience in corrections, the criminal justice system, or criminal law; or

(c) a law degree.

(3) Consideration should be given to balancing members' expertise or knowledge of:

(a) American Indian culture;

(b) serious mental illness and recovery from serious mental illness; and

(c) victim awareness.

(4) Board members shall serve staggered 6-year terms. The terms of board members run with the position, and if a vacancy occurs, the governor shall appoint a person to fill the unexpired portion of the term.

(5) The governor shall designate the presiding officer, as provided in 2-15-124. The governor may designate a different presiding officer at any time. If the governor designates a different presiding officer, the former presiding officer still serves as a board member unless removed for cause pursuant to 2-15-124(6).

(6) The board is allocated to the department of corrections for administrative purposes only as prescribed in 2-15-121. However, the board may hire its own personnel, and 2-15-121(2)(d) does not apply.

(7) The board is designated as a quasi-judicial board for purposes of 2-15-124, except that board members must be compensated as provided in 46-23-111, the terms of board members must be staggered as provided in subsection (4), and the provisions of 2-15-124(1) do not apply to the board.

(8) A favorable vote of a majority of the members of the board is required to implement a policy, procedure, or administrative rule. A favorable vote of the majority of the members of a hearing panel, as defined in 46-23-103, is required to make decisions regarding parole and executive clemency."

Section 2. Transition. (1) Within 60 days of [the effective date of this act], the governor shall appoint the sixth member of the board who shall serve a term that ends on the first day of January 2029 and until the member's successor is appointed.

(2) After the expiration of the term provided for in subsection (1), the governor shall appoint a person to serve a full 6-year term as provided in 2-15-2305. The member appointed under subsection (1) may be reappointed for a full 6-year term.

(3) As required by 2-15-124, the board member appointed pursuant to subsection (1) must be confirmed by the senate.

Section 3. Effective date. [This act] is effective July 1, 2025.

Approved April 17, 2025

CHAPTER NO. 191

[HB 179]

AN ACT REVISING LAWS RELATED TO INACTIVE VOTER STATUS; CLARIFYING THAT A VOTER ON THE INACTIVE LIST IS NOT MOVED TO THE ACTIVE LIST BY SIGNING A PETITION FOR A STATEWIDE BALLOT ISSUE; AMENDING SECTION 13-2-222, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 13-2-222, MCA, is amended to read:

"**13-2-222. Reactivation of elector.** (1) The name of an elector must be moved by an election administrator from the inactive list to the active list of a county if an elector meets the requirements for registration provided in this chapter and:

(a) appears at a polling place in order to vote, submits an application to vote by absentee ballot in a polling place election or mail ballot election, or votes in a mail ballot election conducted under Title 13, chapter 19;

(b) notifies the county election administrator in writing of the elector's current residence, which must be in that county; or

(c) completes a reactivation form provided by the county election administrator that provides current address information in that county.

(2) The name of an elector may not be moved from the inactive list to the active list of a county by the elector signing a petition for a statewide ballot issue.

~~(2)~~*(3)* After an elector has complied with subsection (1)(a), (1)(b), or (1)(c), the county election administrator shall place the elector's name on the active voting list for that county.

~~(3)~~*(4)* An elector reactivated pursuant to subsection (1)(a) is a legally registered elector for purposes of the election in which the elector voted."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved April 17, 2025

CHAPTER NO. 192

[HB 173]

AN ACT GENERALLY REVISING DEFINITIONS IN THE MONTANA YOUTH COURT ACT; PROVIDING THAT A VICTIM MAY INCLUDE A CORPORATION OR OTHER ENTITY; AMENDING SECTION 41-5-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 41-5-103, MCA, is amended to read:

"**41-5-103. Definitions.** As used in the Montana Youth Court Act, unless the context requires otherwise, the following definitions apply:

(1) "Adult" means an individual who is 18 years of age or older.

(2) "Agency" means any entity of state or local government authorized by law to be responsible for the care or rehabilitation of youth.

(3) "Assessment officer" means a person who is authorized by the court to provide initial intake and evaluation for a youth who appears to be in need of intervention or an alleged delinquent youth.

(4) "Commit" means to transfer legal custody of a youth to the department or to the youth court.

(5) "Conditional release" means the release of a youth from a correctional facility subject to the terms and conditions of the conditional release agreement provided for in 52-5-126.

(6) (a) "Correctional facility" means a public secure residential facility or a private secure residential facility under contract with the department and operated to provide for the custody, treatment, training, and rehabilitation of:

(i) formally adjudicated delinquent youth;

(ii) convicted adult offenders or criminally convicted youth; or

(iii) a combination of the populations described in subsections (6)(a)(i) and (6)(a)(ii) under conditions set by the department in rule.

(b) The term does not include a state prison as defined in 53-30-101.

(7) "Cost containment pool" means an account from which funds are allocated by the office of court administrator under 41-5-132 to a judicial district that exceeds its annual allocation for juvenile out-of-home placements, programs, and services or to the department for costs incurred under 41-5-1504.

(8) "Cost containment review panel" means the panel established in 41-5-131.

(9) "Court", when used without further qualification, means the youth court of the district court.

(10) "Criminally convicted youth" means a youth who has been convicted in a district court pursuant to 41-5-206.

(11) (a) "Custodian" means a person, other than a parent or guardian, to whom legal custody of the youth has been given.

(b) The term does not include a person who has only physical custody.

(12) "Delinquent youth" means a youth who is adjudicated under formal proceedings under the Montana Youth Court Act as a youth:

(a) who has committed an offense that, if committed by an adult, would constitute a criminal offense;

(b) who has been placed on probation as a delinquent youth and who has violated any condition of probation; or

(c) who has violated the terms and conditions of the youth's conditional release agreement.

(13) "Department" means the department of corrections provided for in 2-15-2301.

(14) (a) "Department records" means information or data, either in written or electronic form, maintained by the department pertaining to youth who are committed under 41-5-1513(1)(b).

(b) The term does not include information provided by the department to the department of public health and human services' management information system or information maintained by the youth court through the office of court administrator.

(15) "Detention" means the holding or temporary placement of a youth in the youth's home under home arrest or in a facility other than the youth's own home for:

(a) the purpose of ensuring the continued custody of the youth at any time after the youth is taken into custody and before final disposition of the youth's case;

(b) contempt of court or violation of a valid court order; or

(c) violation of the terms and conditions of the youth's conditional release agreement.

(16) "Detention facility" means a physically restricting facility designed to prevent a youth from departing at will. The term includes a youth detention facility, short-term detention center, and regional detention facility.

(17) "Emergency placement" means placement of a youth in a youth care facility for less than 45 days to protect the youth when there is no alternative placement available.

(18) "Family" means the parents, guardians, legal custodians, and siblings or other youth with whom a youth ordinarily lives.

(19) "Final disposition" means the implementation of a court order for the disposition or placement of a youth as provided in 41-5-1422, 41-5-1503, 41-5-1504, 41-5-1512, 41-5-1513, and 41-5-1522 through 41-5-1524.

(20) (a) "Formal youth court records" means information or data, either in written or electronic form, on file with the clerk of district court pertaining to a youth under the jurisdiction of the youth court and includes petitions, motions, other filed pleadings, court findings, verdicts, orders and decrees, and predispositional studies.

(b) The term does not include information provided by the youth court to the department of public health and human services' management information system.

(21) "Foster home" means a private residence licensed by the department of public health and human services for placement of a youth.

(22) "Guardian" means an adult:

(a) who is responsible for a youth and has the reciprocal rights, duties, and responsibilities with the youth; and

(b) whose status is created and defined by law.

(23) "Habitual truancy" means recorded unexcused absences of 9 or more days or 54 or more parts of a day, whichever is less, in 1 school year.

(24) (a) "Holdover" means a room, office, building, or other place approved by the board of crime control for the temporary detention and supervision of youth in a physically unrestricting setting for a period not to exceed 24 hours while the youth is awaiting a probable cause hearing, release, or transfer to an appropriate detention or shelter care facility.

(b) The term does not include a jail.

(25) (a) "Informal youth court records" means information or data, either in written or electronic form, maintained by youth court probation offices pertaining to a youth under the jurisdiction of the youth court and includes reports of preliminary inquiries, youth assessment materials, medical records, school records, and supervision records of probationers.

(b) The term does not include information provided by the youth court to the department of public health and human services' management information system.

(26) (a) "Jail" means a facility used for the confinement of adults accused or convicted of criminal offenses. The term includes a lockup or other facility used primarily for the temporary confinement of adults after arrest.

(b) The term does not include a collocated juvenile detention facility that complies with 28 CFR, part 31.

(27) "Judge", when used without further qualification, means the judge of the youth court.

(28) "Juvenile home arrest officer" means a court-appointed officer administering or supervising juveniles in a program for home arrest, as provided for in Title 46, chapter 18, part 10.

(29) "Law enforcement records" means information or data, either in written or electronic form, maintained by a law enforcement agency, as defined in 7-32-201, pertaining to a youth covered by this chapter.

(30) (a) "Legal custody" means the legal status created by order of a court of competent jurisdiction that gives a person the right and duty to:

(i) have physical custody of the youth;

(ii) determine with whom the youth shall live and for what period;

(iii) protect, train, and discipline the youth; and

(iv) provide the youth with food, shelter, education, and ordinary medical care.

(b) An individual granted legal custody of a youth shall personally exercise the individual's rights and duties as guardian unless otherwise authorized by the court entering the order.

(31) "Necessary parties" includes the youth and the youth's parents, guardian, custodian, or spouse.

(32) (a) "Out-of-home placement" means placement of a youth in a program, facility, or home, other than a custodial parent's home, for purposes other than preadjudicatory detention.

(b) The term does not include shelter care or emergency placement of less than 45 days.

(33) (a) "Parent" means the natural or adoptive parent.

(b) The term does not include:

(i) a person whose parental rights have been judicially terminated; or

(ii) the putative father of an illegitimate youth unless the putative father's paternity is established by an adjudication or by other clear and convincing proof.

(34) "Probable cause hearing" means the hearing provided for in 41-5-332.

(35) "Regional detention facility" means a youth detention facility established and maintained by two or more counties, as authorized in 41-5-1804.

(36) "Restitution" means payments in cash to the victim or with services to the victim or the general community when these payments are made pursuant to a consent adjustment, consent decree, or other youth court order.

(37) "Running away from home" means that a youth has been reported to have run away from home without the consent of a parent or guardian or a custodian having legal custody of the youth.

(38) "Secure detention facility" means a public or private facility that:

(a) is used for the temporary placement of youth or individuals accused or convicted of criminal offenses or as a sanction for contempt of court, violation of the terms and conditions of the youth's conditional release agreement, or violation of a valid court order; and

(b) is designed to physically restrict the movements and activities of youth or other individuals held in lawful custody of the facility.

(39) "Serious juvenile offender" means a youth who has committed an offense that would be considered a felony offense if committed by an adult and that is an offense against a person, an offense against property, or an offense involving dangerous drugs.

(40) "Shelter care" means the temporary substitute care of youth in physically unrestricting facilities.

(41) "Shelter care facility" means a facility used for the shelter care of youth. The term is limited to the facilities enumerated in 41-5-347.

(42) "Short-term detention center" means a detention facility licensed by the department for the temporary placement or care of youth, for a period not to exceed 10 days excluding weekends and legal holidays, pending a probable cause hearing, release, or transfer of the youth to an appropriate detention facility, youth assessment center, or shelter care facility.

(43) "Substitute care" means full-time care of youth in a residential setting for the purpose of providing food, shelter, security and safety, guidance,

direction, and, if necessary, treatment to youth who are removed from or are without the care and supervision of their parents or guardians.

(44) "Victim" means:

(a) a ~~natural~~ person who suffers property, physical, or emotional injury as a result of an offense committed by a youth that would be a criminal offense if committed by an adult;

(b) an adult relative of the victim, as defined in subsection (44)(a), if the victim is a minor; and

(c) an adult relative of a homicide victim.

(45) "Youth" means an individual who is less than 18 years of age without regard to sex, as defined in 1-1-201, or emancipation.

(46) "Youth assessment" means a multidisciplinary assessment of a youth as provided in 41-5-1203.

(47) "Youth assessment center" means a staff-secured location that is licensed by the department of public health and human services to hold a youth for up to 10 days for the purpose of providing an immediate and comprehensive community-based youth assessment to assist the youth and the youth's family in addressing the youth's behavior.

(48) "Youth care facility" has the meaning provided in 52-2-602.

(49) "Youth court" means the court established pursuant to this chapter to hear all proceedings in which a youth is alleged to be a delinquent youth, a youth in need of intervention, or a youth alleged to have violated the terms and conditions of the youth's conditional release agreement and includes the youth court judge, juvenile probation officers, and assessment officers.

(50) "Youth detention facility" means a secure detention facility licensed by the department for the temporary substitute care of youth that is:

(a) (i) operated, administered, and staffed separately and independently of a jail; or

(ii) a collocated secure detention facility that complies with 28 CFR, part 31; and

(b) used exclusively for the lawful detention of alleged or adjudicated delinquent youth or as a sanction for contempt of court, violation of the terms and conditions of the youth's conditional release agreement, or violation of a valid court order.

(51) "Youth in need of intervention" means a youth who is adjudicated as a youth and who:

(a) commits an offense prohibited by law that if committed by an adult would not constitute a criminal offense, including but not limited to a youth who:

(i) violates any Montana municipal or state law regarding alcoholic beverages; or

(ii) continues to exhibit behavior, including running away from home or habitual truancy, beyond the control of the youth's parents, foster parents, physical custodian, or guardian despite the attempt of the youth's parents, foster parents, physical custodian, or guardian to exert all reasonable efforts to mediate, resolve, or control the youth's behavior; or

(b) has committed any of the acts of a delinquent youth but whom the youth court, in its discretion, chooses to regard as a youth in need of intervention."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved April 17, 2025

CHAPTER NO. 193

[HB 135]

AN ACT CREATING STATUTES OF REPOSE FOR CLAIMS AGAINST REAL ESTATE APPRAISERS, REAL ESTATE APPRAISAL FIRMS, AND APPRAISAL MANAGEMENT COMPANIES; AND PROVIDING DEFINITIONS.

Be it enacted by the Legislature of the State of Montana:

Section 1. Actions against real estate appraisers, real estate appraisal firms, and appraisal management companies. (1) Except as provided in subsection (2), an action for damages or other relief arising from an appraisal or appraisal review conducted by a real estate appraiser, real estate appraisal firm, or appraisal management company may not be commenced more than 5 years after the day the appraisal or appraisal review was completed.

(2) An action subject to the period of limitation found in 27-2-202(1) arising from an appraisal or appraisal review conducted by a real estate appraiser, real estate appraisal firm, or appraisal management company may not be commenced more than 8 years after the day the appraisal or appraisal review was completed.

(3) This section may not be construed as extending the period prescribed by the laws of this state for the bringing of any action.

(4) As used in this section, unless the context requires otherwise, the following definitions apply:

(a) "Appraisal" has the same meaning as provided in 37-54-102.

(b) "Appraisal management company" means an entity registered under Title 37, chapter 54, part 5.

(c) "Appraisal review" has the same meaning as provided in 37-54-102.

(d) "Real estate appraisal firm" means an entity engaging a real estate appraiser as an owner, member, shareholder, partner, employee, or independent contractor to perform an appraisal or appraisal review.

(e) "Real estate appraiser" means an individual licensed or certified under Title 37, chapter 54.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 27, chapter 2, part 2, and the provisions of Title 27, chapter 2, part 2, apply to [section 1].

Approved April 17, 2025

CHAPTER NO. 194

[HB 127]

AN ACT AMENDING THE FIRE SUPPRESSION ACCOUNT TO REMOVE DATE REFERENCES FOR STATUTORY APPROPRIATIONS; ESTABLISHING REPORTING REQUIREMENTS FOR THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION; AMENDING SECTION 76-13-150, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 76-13-150, MCA, is amended to read:

"**76-13-150. Fire suppression account -- fund transfer.** (1) There is a fire suppression account in the state special revenue fund to the credit of the department.

(2) The legislature may transfer money from other funds to the account, and the money in the account is subject to legislative fund transfers.

(3) Funds received for restitution by private parties must be deposited in the account.

(4) Money in the account may be used only for:

(a) fire suppression costs;

(b) fuel reduction and mitigation;

(c) forest restoration;

(d) grants for the purchase of fire suppression equipment for county cooperatives;

(e) forest management projects on federal land;

(f) support for collaborative groups that include at least one representative of an affected county commission that is engaged with a federal forest project and for local governments engaged in litigation related to federal forest projects;

(g) road maintenance on federal lands; and

(h) fire preparedness.

(5) In an even-numbered calendar year, after the transfers made pursuant to 17-7-130, if the preliminary general fund ending balance at fiscal yearend was greater than 8.3% of all general revenue appropriations in the second year of the biennium, then the state treasurer shall transfer from the general fund to the fire suppression account funds sufficient to bring the fire suppression account fund balance to 6% of the general revenue appropriations in the second year of the biennium. The transfer may not cause the general fund ending fund balance to have a balance of less than 8.3% of all general revenue appropriations in the second year of the biennium.

(6) The provisions of subsection (5) do not apply in a fiscal year in which reductions required by 17-7-140 occur or if a transfer pursuant to subsection (5) would require reductions pursuant to 17-7-140.

(7) If the balance in the account at the end of the most recently completed odd-numbered fiscal year exceeds 3% of all general revenue appropriations in the second year of the biennium, then up to 1% of all general revenue appropriations in the second year of the biennium may be used and is statutorily appropriated from the fire suppression account for the purposes in subsections (4)(b) through (4)(g). Of that amount, no more than 5% may be used for the purposes of subsection (4)(f).

(8) ~~For the biennium beginning July 1, 2023, up~~ *Up* to 0.5% of all general revenue appropriations in the second year of the biennium is statutorily appropriated from the fire suppression account each year and may be used each year to the department for the item in subsection (4)(h).

(9) Money in the account is statutorily appropriated, as provided in 17-7-502, to the department for the purposes described in subsection (4)."

Section 2. Report by department of natural resources and conservation. By November 1 of each fiscal year, the department of natural resources and conservation shall report in accordance with 5-11-210 to the natural resources and transportation budget committee provided for in 5-12-501 on the expenditures made pursuant to each subsection of 76-13-150(4) for that fiscal year.

Section 3. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 76, chapter 13, part 1, and the provisions of Title 76, chapter 13, part 1, apply to [section 2].

Section 4. Effective date. [This act] is effective on passage and approval.

Approved April 17, 2025

CHAPTER NO. 195

[HB 88]

AN ACT REVISING LAWS RELATED TO THE RETURN OF UNCLAIMED PROPERTY; PROVIDING CONDITIONS FOR WHEN THE DEPARTMENT OF REVENUE MAY AUTOMATICALLY RETURN CERTAIN UNCLAIMED PROPERTY TO ITS OWNER; AMENDING SECTION 70-9-815, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 70-9-815, MCA, is amended to read:

"**70-9-815. Filing claim with administrator -- handling of claims by administrator -- *exception*.** (1) ~~A~~ *Except as provided in subsection (5), a* person, excluding another state, claiming property paid or delivered to the administrator may file a claim on a form prescribed by the administrator and verified by the claimant.

(2) Within 90 days after a claim is filed, the administrator shall allow or deny the claim and give written notice of the decision to the claimant. If the claim is denied, the administrator shall inform the claimant of the reasons for the denial and specify what additional evidence is required before the claim will be allowed. The claimant may then file a new claim with the administrator or maintain an action under 70-9-816.

(3) Within 30 days after a claim is allowed, the property or the net proceeds of a sale of the property must be delivered or paid by the administrator to the claimant, together with any dividend, interest, or other increment to which the claimant is entitled under 70-9-812.

(4) A holder that pays the owner for property that has been delivered to the state and that, if claimed from the administrator by the owner, would be subject to an increment under 70-9-812 may recover from the administrator the amount of the increment.

(5) The administrator may waive the requirement in subsection (1) and may pay or deliver property directly to a person if:

(a) the person receiving the payment or property is shown to be the apparent owner included on a report filed under this part;

(b) the administrator reasonably believes the person is entitled to receive the payment or property and has validated the identity and address of the person receiving the payment or property; and

(c) the property has a value of $1,000 or less.

(6) If the administrator waives the requirement in subsection (1) and pays or delivers property directly to a person under subsection (5), the administrator shall document and keep record:

(a) of the proof of ownership as provided in subsection (5)(a);

(b) of the proof of identity as provided in subsection (5)(b); and

(c) that the property was returned to the owner."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved April 17, 2025

CHAPTER NO. 196

[HB 58]

AN ACT REVISING THE DISTRIBUTION OF FUNDS FOR THE REMEDIATION OF ABANDONED METAL MINES; REQUIRING A BIENNIAL TRANSFER FOR MAINTENANCE AND WATER TREATMENT AT THE CR KENDALL MINE RECLAMATION SITE; EXTENDING THE STATE CONTRIBUTION FOR CLEANUP, OPERATION, AND MAINTENANCE AT THE LIBBY ASBESTOS SUPERFUND SITE; AMENDING SECTIONS 75-10-704 AND 75-10-743, MCA; AMENDING SECTION 5, CHAPTER 387, LAWS OF 2015; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 75-10-704, MCA, is amended to read:

"**75-10-704. Environmental quality protection fund.** (1) Subject to legislative fund transfers, there is in the state special revenue fund an environmental quality protection fund to be administered as a revolving fund by the department. The department is authorized to expend amounts from the fund necessary to carry out the purposes of this part.

(2) The fund may be used by the department only to carry out the provisions of this part and for remedial actions taken by the department pursuant to this part in response to a release of hazardous or deleterious substances.

(3) The department shall:

(a) except as provided in subsection (7), establish and implement a system, including the preparation of a priority list, for prioritizing sites for remedial action based on potential effects on human health and the environment; and

(b) investigate, negotiate, and take legal action, as appropriate, to identify liable persons, to obtain the participation and financial contribution of liable persons for the remedial action, to achieve remedial action, and to recover costs and damages incurred by the state.

(4) There must be deposited in the fund:

(a) all penalties, forfeited financial assurance, natural resource damages, and remedial action costs recovered pursuant to 75-10-715;

(b) all administrative penalties assessed pursuant to 75-10-714 and all civil penalties assessed pursuant to 75-10-711(5);

(c) funds allocated to the fund by the legislature;

(d) proceeds from the resource indemnity and ground water assessment tax as authorized by 15-38-106;

(e) funds received from the interest income of the resource indemnity trust fund pursuant to 15-38-202;

(f) funds received from the interest income of the fund;

(g) funds received from settlements pursuant to 75-10-719(7);

(h) funds received from the interest paid pursuant to 75-10-722;

(i) costs recovered pursuant to 75-8-106(7) and penalties recovered pursuant to 75-8-109; and

(j) funds transferred from the orphan share account pursuant to 75-10-743(10). The full amount of these funds must be dedicated each fiscal year as follows:

(i) 50% to the state's contribution for cleanup and long-term operation and maintenance costs at the Libby asbestos superfund site and allocated pursuant to 75-10-1603 and 75-10-1604; and

(ii) *(A) except for the amount provided in subsection (4)(j)(ii)(B),* 50% to metal mine reclamation projects at abandoned mine sites, as provided in 82-4-371.

This subsection (4)(j)(ii) does not apply to exploration or mining work performed after March 9, 1971*, except as provided in subsection (4)(j)(ii)(B)*. Projects funded under this subsection (4)(j)(ii) are not subject to the requirements of Title 75, chapter 10, part 7.

(B) $500,000 a year through June 30, 2038, for long-term maintenance and water treatment at the CR Kendall mine reclamation site. This transfer must be completed before initiating the transfer provided in subsection (4)(j)(ii)(A).

(5) Whenever a legislative appropriation is insufficient to carry out the provisions of this part and additional money remains in the fund, the department shall seek additional authority to spend money from the fund through the budget amendment process provided for in Title 17, chapter 7, part 4.

(6) Whenever the amount of money in the fund is insufficient to carry out remedial action, the department may apply to the governor for a grant from the environmental contingency account established pursuant to 75-1-1101.

(7) (a) There is established a state special revenue account for all funds donated or granted from private parties to remediate a specific release at a specific facility. There must be deposited into the account the interest income earned on the account. A person is not liable under 75-10-715 solely as a result of contributing to this account.

(b) Funds donated or granted for a specific project pursuant to this subsection (7) must be accumulated in the fund until the balance of the donated or granted funds is sufficient, as determined by the department, to remediate the facility pursuant to the requirements of 75-10-721 for which the funds are donated.

(c) If the balance of the fund created in this subsection (7), as determined by the department pursuant to the requirements of 75-10-721, is not sufficient to remediate the facility within 1 year from the date of the initial contribution, all donated or granted funds, including any interest on those donated or granted funds, must be returned to the grantor.

(d) If the balance for a specific project is determined by the department to be sufficient to remediate the facility pursuant to the requirements of 75-10-721, the department shall give that site high priority for remedial action, using the funds donated under this subsection (7).

(e) This subsection (7) is not intended to delay, to interfere with, or to diminish the authority or actions of the department to investigate, negotiate, and take legal action, as appropriate, to identify liable persons, to obtain the participation and financial contribution of liable persons for the remedial action, to achieve remedial action, and to recover costs and damages incurred by the state.

(f) The department shall expend the funds in a manner that maximizes the application of the funds to physically remediating the specific release.

(8) (a) A person may donate in-kind services to remediate a specific release at a specific facility pursuant to subsection (7). A person who donates in-kind services is not liable under 75-10-715 solely as a result of the contribution of in-kind services.

(b) A person who donates in-kind services with respect to remediating a specific release at a specific facility is not liable under this part to any person for injuries, costs, damages, expenses, or other liability that results from the release or threatened release, including but not limited to claims for indemnification or contribution and claims by third parties for death, personal injury, illness, loss of or damage to property, or economic loss.

(c) Immunity from liability, pursuant to subsection (8)(b), does not apply in the case of a release that is caused by conduct of the entity providing in-kind

services that is negligent or grossly negligent or that constitutes intentional misconduct.

(d) When a person is liable under 75-10-715 for costs or damages incurred as a result of a release or threatened release of a hazardous or deleterious substance, the person may not avoid that liability or responsibility under 75-10-711 by subsequent donations of money or in-kind services under the provisions of subsection (7) and this subsection (8).

(e) Any donated in-kind services that are employed as part of a remedial action pursuant to this subsection (8) must be approved by the department as appropriate remedial action. (Subsection (4)(j) terminates June 30, ~~2027~~ *2038*~~--sec. 5, Ch. 387, L. 2015~~.)"

Section 2. Section 75-10-743, MCA, is amended to read:

"**75-10-743. Orphan share state special revenue account -- reimbursement of claims -- payment of department costs.** (1) There is an orphan share account in the state special revenue fund established in 17-2-102 that is to be administered by the department. Money in the account is available to the department by appropriation and, except as provided in subsections (9), (10), and (11), must be used to reimburse remedial action costs claimed pursuant to 75-10-742 through 75-10-751, to provide funding for the department of justice for investigations pursuant to its natural resource damage program, to pay costs incurred by the department in defending the orphan share, and to pay remedial action costs incurred by the department pursuant to subsection (12). Any amounts provided for investigations must be returned to the account, with interest, from the settlement proceeds of a claim made under the natural resource damage program within 30 days of receiving settlement proceeds.

(2) There must be deposited in the orphan share account:

(a) all penalties assessed pursuant to 75-10-750(12);

(b) funds received from the distribution of oil and natural gas production taxes pursuant to 15-36-331;

(c) unencumbered funds remaining in the abandoned mines state special revenue account;

(d) interest income on the account;

(e) funds received from settlements pursuant to 75-10-719(7); and

(f) funds received from reimbursement of the department's orphan share defense costs pursuant to subsection (6).

(3) If the orphan share account contains sufficient money, valid claims must be reimbursed subsequently in the order in which they were received by the department. If the orphan share account does not contain sufficient money to reimburse claims for completed remedial actions, a reimbursement may not be made and the orphan share account, the department, and the state are not liable for making any reimbursement for the costs. The department and the state are not liable for any penalties if the orphan share account does not contain sufficient money to reimburse claims, and interest may not accrue on outstanding claims.

(4) Except as provided in subsections (6) and (7), claims may not be submitted and remedial action costs may not be reimbursed from the orphan share account until all remedial actions, except for operation and maintenance, are completed at a facility.

(5) Except as provided in subsection (6), reimbursement from the orphan share account must be limited to actual documented remedial action costs incurred after the date of a petition provided for in 75-10-745. Reimbursement may not be made for attorney fees, legal costs, or operation and maintenance costs.

(6) (a) The department's costs incurred in defending the orphan share must be paid by the persons participating in the allocation under 75-10-742 through 75-10-751 in proportion to their allocated shares. The orphan share account is responsible for a portion of the department's costs incurred in defending the orphan share in proportion to the orphan share's allocated share, as follows:

(i) If sufficient funds are available in the orphan share account, the department's costs incurred in defending the orphan share must be paid from the orphan share account in proportion to the share of liability allocated to the orphan share.

(ii) If sufficient funds are not available in the orphan share account, persons participating in the allocation under 75-10-742 through 75-10-751 shall pay all the orphan share's allocated share of the department's costs incurred in defending the orphan share in proportion to each person's allocated share of liability.

(b) A person who pays the orphan share's proportional share of costs has a claim against the orphan share account and must be reimbursed as provided in subsection (3).

(c) A state agency that is liable for remedial action costs incurred has a claim against the orphan share account and must be reimbursed as provided in subsection (3). The agency may submit a claim before or after remedial action is complete. Reimbursement may not be made for attorney fees, legal costs, or operation and maintenance costs. The agency may be reimbursed only after:

(i) its liability has been determined pursuant to 75-10-742 through 75-10-751 or by a court of competent jurisdiction;

(ii) it has received a notice letter pursuant to 75-10-711; and

(iii) the department has approved the costs.

(7) (a) If the lead liable person under 75-10-746 presents evidence to the department that the person cannot complete the remedial actions without partial reimbursement and that a delay in reimbursement will cause undue financial hardship on the person, the department may allow the submission of claims and may reimburse the claims prior to the completion of all remedial actions. A person is not eligible for early reimbursement unless the person is in substantial compliance with all department-approved remedial action plans.

(b) The department may reimburse claims from a lead liable person upon completion and department approval of a report evaluating the nature and extent of contamination and a report formulating and evaluating final remediation alternatives. This early reimbursement is limited to those eligible costs incurred by the lead liable person for the preparation of the reports.

(8) A person participating in the allocation process who received funds under the mixed funding pilot program provided for in sections 14 through 20, Chapter 584, Laws of 1995, may not claim or receive reimbursement from the orphan share account for the amount of funds received under the mixed funding pilot program that are later attributed to the orphan share under the allocation process.

(9) (a) For the biennium beginning July 1, 2005, up to $1.25 million may be used by the department to pay the costs incurred by the department in contracting for evaluating the extent of contamination and formulating final remediation alternatives for releases at the Kalispell pole and timber, reliance refinery company, and Yale oil corporation facility complex. If the department spends less than $1.25 million for those purposes, the remaining funds must be spent for remediation of the facility complex. The department may not seek recovery of the $1.25 million from potentially liable persons.

(b) The money spent pursuant to subsection (9)(a) must be credited against the amount owed by the state agency in a judgment or settlement agreement

for payment of the remedial action costs at the facility for which the money was spent.

(10)(a) ~~The~~ *After making the biennial deposit required in 75-10-704(4)(j)(ii)(A) and if sufficient funds remain, the* department shall transfer from the orphan share account to the long-term or perpetual water treatment permanent trust fund provided for in 82-4-367 $1.2 million in each fiscal year until the board of investments makes the certification pursuant to subsection (10)(b) of this section.

(b) (i) The board of investments shall monitor the long-term or perpetual water treatment permanent trust fund provided for in 82-4-367 to determine when the amount of money in the long-term or perpetual water treatment permanent trust fund will be sufficient, with future earnings, to provide a fund balance of $19.3 million on January 1, 2018.

(ii) When the board of investments makes the determination pursuant to subsection (10)(b)(i), the board of investments shall notify the department and certify to the department the amount of money, if any, that must be transferred during the fiscal year in which the board of investments makes its determination pursuant to subsection (10)(b)(i) in order to provide a fund balance of $19.3 million on January 1, 2018.

(iii) In the fiscal year that the board of investments makes its determination and notifies the department, the department shall transfer only the amount certified by the board of investments, if any, and may not make additional transfers during subsequent fiscal years.

(c) After July 1, 2018, the department shall transfer $1.2 million in each fiscal year from the orphan share state special revenue account to the environmental quality protection fund provided in 75-10-704.

(11) The orphan share account is subject to legislative fund transfers.

(12) Except as provided in subsection (13), the department may use the orphan share account to:

(a) take remedial action at a facility where there has been a release or there is a substantial threat of a release into the environment that may present an imminent and substantial endangerment to the public health, safety, or welfare or to the environment and there is no readily apparent person who is financially viable and potentially liable under 75-10-715 to conduct the remedial action; or

(b) fund the administration of data collection, the monitoring of the performance of remedial action, and the initial assessment of a facility to determine whether that facility may be closed or delisted.

(13) The department may not use for data collection, initial assessments, or monitoring pursuant to subsection (12)(b) more than 20% of the funds appropriated from the orphan share account for the bienniums beginning July 1, 2015, and ending June 30, 2025. For the bienniums beginning July 1, 2025, no more than 15% of the funds appropriated from the orphan share account may be used for data collection, initial assessments, or monitoring pursuant to subsection (12)(b).

(14) The department shall report annually to the environmental quality council in accordance with 5-11-210 the amount of funds from the orphan share account used pursuant to subsection (12), the type of expenditures made, and the identity and location of facilities addressed. (Subsection (10)(c) terminates June 30, ~~2027~~ *2038*~~--sec. 5, Ch. 387, L. 2015~~.)"

Section 3. Section 5, Chapter 387, Laws of 2015, is amended to read:

"**Section 5. Termination.** [This act] terminates June 30, ~~2027~~ *2038*."

Section 4. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Section 5. Effective date. [This act] is effective July 1, 2025.

Section 6. Termination. [This act] terminates June 30, 2038.

Approved April 17, 2025

CHAPTER NO. 197

[HB 48]

AN ACT REVISING EXEMPTIONS FROM THE DAM SAFETY ACT; PROVIDING THAT DAMS USED FOR PUBLIC SEWAGE AND DISPOSAL SYSTEMS ARE EXEMPT FROM THE DAM SAFETY ACT; AND AMENDING SECTION 85-15-107, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 85-15-107, MCA, is amended to read:

"**85-15-107. Exemptions.** (1) The provisions of 85-15-108 through 85-15-110, 85-15-209 through 85-15-216, 85-15-305, 85-15-401, 85-15-502, and 85-15-503 do not apply to:

(a) dams subject to a permit issued pursuant to 82-4-335 for the period during which the dam is subject to the permit;

(b) federal dams and reservoirs;

(c) dams and reservoirs licensed and subject to inspection by the federal energy regulatory commission; or

(d) dams that are required to obtain a certificate of compliance pursuant to 75-20-201 for the period during which the dam is subject to the certificate.

(2) The provisions of 85-15-108 through 85-15-110, 85-15-209 through 85-15-216, 85-15-401, 85-15-502, and 85-15-503 do not apply to nonfederal dams and reservoirs located on federal lands if they are subject to a dam safety review by a federal agency.

(3) The provisions of 85-15-305 do not apply to dams and reservoirs at a national priority list site as defined by the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), Public Law 96-510.

(4) The provisions of 85-15-108 through 85-15-110, 85-15-209 through 85-15-216, 85-15-401, 85-15-502, and 85-15-503 do not apply to dams used for a public sewage system or a public sewage disposal system as regulated by the department of environmental quality pursuant to Title 75, chapter 6, part 1, and Title 76, chapter 4, part 1."

Approved April 17, 2025

CHAPTER NO. 198

[SB 495]

AN ACT ELIMINATING THE TOBACCO PREVENTION ADVISORY BOARD; AMENDING SECTION 17-6-606, MCA; REPEALING SECTION 17-6-610, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 17-6-606, MCA, is amended to read:

"**17-6-606. Tobacco settlement accounts -- purpose -- uses.** (1) The purpose of this section is to dedicate a portion of the tobacco settlement proceeds to fund statewide programs for tobacco disease prevention designed to:

(a) discourage children from starting use of tobacco;

(b) assist adults in quitting use of tobacco; and

(c) provide funds for the children's health insurance program.

(2) An amount equal to 32% of the total yearly tobacco settlement proceeds received after June 30, 2003, must be deposited in a state special revenue account. Subject to subsection (5), the funds referred to in this subsection may be used only for funding statewide programs for tobacco disease prevention designed to prevent children from starting tobacco use and to help adults who want to quit tobacco use. The department of public health and human services shall manage the tobacco disease prevention programs and shall adopt rules to implement the programs. In adopting rules, the department shall consider the standards contained in Best Practices for Comprehensive Tobacco Control Programs--August 1999 or its successor document, published by the U.S. department of health and human services, centers for disease control and prevention.

(3) An amount equal to 17% of the total yearly tobacco settlement proceeds received after June 30, 2003, must be deposited in a state special revenue account. Subject to subsection (5), the funds referred to in this subsection may be used only for matching funds to secure the maximum amount of federal funds for the Children's Health Insurance Program Act provided for in Title 53, chapter 4, part 10.

(4) Funds deposited in a state special revenue account, as provided in subsection (2) or (3), that are not appropriated within 2 years after the date of deposit must be transferred to the trust fund.

(5) The legislature shall appropriate money from the state special revenue accounts provided for in this section for programs for tobacco disease prevention~~,~~ *and* for the programs referred to in the subsection establishing the account~~, and for funding the tobacco prevention advisory board~~.

(6) Programs funded under this section that are private in nature may be funded through contracted services."

Section 2. Repealer. The following section of the Montana Code Annotated is repealed:

17-6-610. Tobacco prevention advisory board.

Section 3. Effective date. [This act] is effective on passage and approval.

Approved April 17, 2025

CHAPTER NO. 199

[SB 488]

AN ACT GENERALLY REVISING LAWS RELATING TO CONSUMER PROTECTION; PROVIDING THAT UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS OR PRACTICES INCLUDE FALSE, MISLEADING, OR OTHERWISE DECEPTIVE CONSUMER REVIEWS OR TESTIMONIALS IN CONTRADICTION OF FEDERAL LAW; REVISING STATUTES OF LIMITATIONS FOR FILING ACTIONS RELATING TO UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS OR PRACTICES IN THE CONDUCT OF ANY TRADE OR COMMERCE;

PROVIDING A STATUTE OF LIMITATIONS FOR THE DEPARTMENT OF JUSTICE TO BRING AN ACTION; CLARIFYING WHAT TIMEFRAME APPLIES TO AN INDIVIDUAL TO BRING AN ACTION; AMENDING SECTIONS 30-14-104, 30-14-111, 30-14-133, AND 30-14-159, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 30-14-104, MCA, is amended to read:

"**30-14-104. Federal interpretation -- rules determining unfair competition and deception.** (1) It is the intent of the legislature that in construing 30-14-103 due consideration and weight ~~shall~~ *must* be given to the interpretations of the federal trade commission and the federal courts relating to section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C., 45(a)(1)), as amended.

(2) The department may make rules interpreting the provisions of 30-14-103. ~~Such~~ *The* rules ~~shall~~ *may* not be inconsistent with the rules, regulations, and decisions of the federal trade commission and the federal courts in interpreting the provisions of section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C., 45(a)(1)), as amended.

(3) The provisions of 30-14-103 include but are not limited to an act or practice of providing consumer reviews or testimonials that are false, misleading, or otherwise unfair or deceptive in violation of 16 CFR, part 465."

Section 2. Section 30-14-111, MCA, is amended to read:

"**30-14-111. Department to restrain unlawful acts.** (1) Whenever the department has reason to believe that a person is using, has used, or is about to knowingly use any method, act, or practice declared by 30-14-103 to be unlawful and that proceeding would be in the public interest, the department may bring an action in the name of the state against the person to restrain by temporary or permanent injunction or temporary restraining order the use of the unlawful method, act, or practice upon giving appropriate notice to that person. *The department may bring an action within 5 years on discovery of the method, act, or practice that is declared unlawful by 30-14-103.*

(2) The notice must state generally the relief sought and be served in accordance with 30-14-115 at least 20 days before the hearing of the action in which the relief sought is a temporary or permanent injunction. The notice for a temporary restraining order is governed by 27-19-315.

(3) An action under this section may be brought in the district court in the county in which a person resides or has the person's principal place of business or in the district court of Lewis and Clark County if the person is not a resident of this state or does not maintain a place of business in this state.

(4) A district court is authorized to issue temporary or permanent injunctions or temporary restraining orders to restrain and prevent violations of this part, and an injunction must be issued without bond."

Section 3. Section 30-14-133, MCA, is amended to read:

"**30-14-133. Damages -- limitation on residential construction disputes -- notice to public agencies -- attorney fees -- prior judgment as evidence.** (1) (a) Except as provided in subsection (1)(b), a consumer who suffers any ascertainable loss of money or property, real or personal, as a result of the use or employment by another person of a method, act, or practice declared unlawful by 30-14-103 may bring an individual action but not a class action under the rules of civil procedure in the district court of the county in which the seller, lessor, or service provider resides or has its principal place of business or is doing business to recover money damages in the amount of any ascertainable loss of money or property or $500, whichever is greater. An

individual claim may be brought in justice's court. *A consumer may bring an individual action under this section within the timeframe described in 27-2-211.* The court may not award punitive damages but may, in its discretion, award up to three times the money damages in the amount of any ascertainable loss of money or property sustained, if actual damages do not exceed $100,000, and may provide any other equitable relief that it considers necessary or proper.

(b) A consumer may not bring or maintain an action under this section if the consumer is bringing an action subject to 70-19-427 or 70-19-428 against a construction professional.

(2) Upon commencement of any action brought under subsection (1), the clerk of court shall mail a copy of the complaint or initial pleading to the department and the appropriate county attorney and, upon entry of any judgment or decree in the action, shall mail a copy of the judgment or decree to the department and the appropriate county attorney.

(3) In any action brought under this section, the court may award the prevailing party reasonable attorney fees incurred in prosecuting or defending the action, except that attorney fees may not be awarded if the consumer recovers actual damages of $100,000 or more. Attorney fees are limited to no more than $250 an hour. A person who brings an action on the person's own behalf without an attorney may receive attorney fees at the judge's discretion.

(4) Any permanent injunction, judgment, or order of the court made under 30-14-111 is prima facie evidence in an action brought under this section that the respondent used or employed a method, act, or practice declared unlawful by 30-14-103."

Section 4. Section 30-14-159, MCA, is amended to read:

"**30-14-159. Publishing and distribution of material harmful to minors -- age verification -- requirements -- penalties -- exceptions -- reporting -- definitions.** (1) A commercial entity that knowingly and intentionally publishes or distributes material harmful to minors on the internet from a website that contains a substantial portion of the material must be held liable if the entity fails to perform reasonable age verification methods to verify the age of individuals attempting to access the material.

(2) A commercial entity or third party that performs the required age verification may not retain any identifying information of the individual after access has been granted to the material.

(3) (a) A commercial entity that is found to have violated this section is liable to an individual for damages resulting from a minor accessing the material, including court costs and reasonable attorney fees as ordered by the court.

(b) A commercial entity that is found to have knowingly retained identifying information of the individual after access has been granted to the individual must be liable to the individual for damages resulting from retaining the identifying information, including court costs and reasonable attorney fees as ordered by the court.

(4) This section does not apply to any bona fide news or public interest broadcast, website video, report, or event and may not be construed to affect the rights of any news-gathering organizations.

(5) An internet service provider or its affiliates or subsidiaries, a search engine, or a cloud service provider may not be held to have violated the provisions of this section solely for providing access or connection to or from a website or other information or content on the internet or a facility, system, or network not under that provider's control, including transmission, downloading, intermediate storage, access software, or other forms of access

or storage to the extent the provider is not responsible for the creation of the content of the communication that constitutes material harmful to minors.

~~(6) The department shall provide an annual report of enforcement actions taken under this section. The department shall provide an internet version of the report free of charge to the public and shall charge a fee for paper copies that is commensurate with the cost of printing the report.~~

(6) This section may only be enforced by individuals claiming damages pursuant to subsection (3).

(7) For the purposes of this section:

(a) "Commercial entity" includes corporations, limited liability companies, partnerships, limited partnerships, sole proprietorships, or other legally recognized entities.

(b) "Distribute" means to issue, sell, give, provide, deliver, transfer, transmute, circulate, or disseminate by any means.

(c) "Internet" means the international computer network of both federal and nonfederal interoperable packet switched data networks.

(d) "Material harmful to minors" is defined as all of the following:

(i) any material that the average person, applying contemporary community standards, would find, taking the material as a whole and with respect to minors, is designed to appeal to, or is designed to pander to, the prurient interest;

(ii) any of the following material that exploits, is devoted to, or principally consists of descriptions of actual, simulated, or animated display or depiction of any of the following, in a manner patently offensive with respect to minors:

(A) pubic hair, anus, vulva, genitals, or nipple of the female breast;

(B) touching, caressing, or fondling of nipples, breasts, buttocks, anuses, or genitals; or

(C) sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, excretory functions, exhibitions, or any other sexual act; and

(iii) the material taken as a whole lacks serious literary, artistic, political, or scientific value for minors.

(e) "Minor" means any person under 18 years of age.

(f) "News-gathering organization" means any of the following:

(i) an employee of a newspaper, news publication, or news source, printed or on an online or mobile platform, of current news and public interest, while operating as an employee as provided in this subsection (7)(f)(i), who can provide documentation of employment with the newspaper, news publication, or news source; and

(ii) an employee of a radio broadcast station, television broadcast station, cable television operator, or wire service, while operating as an employee as provided in this subsection (7)(f)(ii), who can provide documentation of employment.

(g) "Publish" means to communicate or make information available to another person or entity on a publicly available internet website.

(h) "Reasonable age verification methods" include verifying that the person seeking to access the material is 18 years of age or older by using any of the following methods:

(i) providing a digitized identification card; or

(ii) requiring the person attempting to access the material to comply with a commercial age verification system that verifies in one or more of the following ways:

(A) government-issued identification; or

(B) any commercially reasonable method that relies on public or private transactional data to verify the age of the person attempting to access the information is at least 18 years of age or older.

(i) "Substantial portion" means more than 33 1/3% of total material on a website, which meets the definition of "material harmful to minors" as defined by this section.

(j) "Transactional data" means a sequence of information that documents an exchange, agreement, or transfer between an individual, commercial entity, or third party used for the purpose of satisfying a request or event. Transactional data may include but is not limited to records from mortgage, education, and employment entities."

Section 5. Effective date. [This act] is effective on passage and approval.

Approved April 17, 2025

CHAPTER NO. 200

[SB 426]

AN ACT GENERALLY REVISING THE UNIFORM COMMERCIAL CODE; UPDATING TERMINOLOGY FOR THE DIGITAL AGE; PROVIDING RULES FOR TRANSACTIONS INVOLVING CERTAIN DIGITAL ASSETS INCLUDING CRYPTOCURRENCY; PROHIBITING CENTRAL BANK DIGITAL CURRENCY; AND AMENDING SECTIONS 30-1-101, 30-1-107, 30-1-201, 30-1-212, 30-1-301, 30-2-102, 30-2-106, 30-2-201, 30-2-202, 30-2-203, 30-2-205, 30-2-209, 30-2A-102, 30-2A-103, 30-2A-107, 30-2A-201, 30-2A-202, 30-2A-203, 30-2A-205, 30-2A-208, 30-3-102, 30-3-104, 30-3-125, 30-3-401, 30-3-605, 30-4A-103, 30-4A-105, 30-4A-201, 30-4A-202, 30-4A-203, 30-4A-207, 30-4A-208, 30-4A-210, 30-4A-211, 30-4A-305, 30-5-124, 30-5-136, 30-7-102, 30-7-107, 30-8-112, 30-8-113, 30-8-116, 30-8-120, 30-8-333, 30-9A-102, 30-9A-104, 30-9A-105, 30-9A-203, 30-9A-204, 30-9A-207, 30-9A-208, 30-9A-209, 30-9A-210, 30-9A-301, 30-9A-304, 30-9A-305, 30-9A-310, 30-9A-312, 30-9A-313, 30-9A-314, 30-9A-316, 30-9A-317, 30-9A-323, 30-9A-324, 30-9A-330, 30-9A-331, 30-9A-332, 30-9A-334, 30-9A-341, 30-9A-404, 30-9A-406, 30-9A-408, 30-9A-509, 30-9A-513, 30-9A-601, 30-9A-605, 30-9A-608, 30-9A-611, 30-9A-613, 30-9A-614, 30-9A-615, 30-9A-616, 30-9A-619, 30-9A-620, 30-9A-621, 30-9A-624, 30-9A-628, AND 71-3-125, MCA.

WHEREAS, a central bank digital currency has been defined by the Federal Reserve as a digital form of central bank money that is widely available to the general public; and

WHEREAS, central bank money refers to money that is a liability of the central bank and not of a commercial bank; and

WHEREAS, countries around the world, including the United States, are evaluating whether or not to issue and how to issue and operate a central bank digital currency; and

WHEREAS, a central bank digital currency would fundamentally reimagine our banking and financial system by changing the relationship between citizens and the Federal Reserve; and

WHEREAS, a central bank digital currency would severely undermine financial privacy for citizens; and

WHEREAS, the availability of a central bank digital currency in the United States would undermine the important role banks play in financial

intermediation and limit credit availability because funds would move from commercial banks to the Federal Reserve where they cannot be lent back into the economy; and

WHEREAS, a central bank digital currency would fundamentally rewire our banking and financial system by changing the relationship between citizens and the Federal Reserve.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 30-1-101, MCA, is amended to read:

"**30-1-101. Short titles -- scope of chapter.** (1) Chapters 1 through 9A *and [sections 94 through 109]* of this title may be cited as Uniform Commercial Code.

(2) As used in chapters 1 through 9A *and [sections 94 through 109]* of this title "code" means "Uniform Commercial Code" unless the context indicates otherwise.

(3) This chapter may be cited as the Uniform Commercial Code--General Provisions.

(4) This chapter applies to a transaction to the extent that it is governed by chapters 2 through 5, 7, 8, ~~and~~ 9A*, and [sections 94 through 109]* of this title.

(5) Nothing in chapters 1 through 9A and [sections 94 through 109] of this title may be construed to support, endorse, create, or implement a national digital currency."

Section 2. Section 30-1-107, MCA, is amended to read:

"**30-1-107. Waiver or renunciation of claim or right after breach.** A claim or right arising out of an alleged breach may be discharged in whole or in part without consideration by agreement of the aggrieved party in ~~an authenticated~~ *a signed* record."

Section 3. Section 30-1-201, MCA, is amended to read:

"**30-1-201. General definitions.** (1) Unless the context requires otherwise, words or phrases defined in this section, or in the additional definitions contained in other chapters of the code that apply to particular chapters or parts of chapters, have the meanings stated.

(2) Subject to additional definitions contained in other chapters of this code that apply to specific chapters or parts of chapters:

(a) "Action" in the sense of a judicial proceeding includes recoupment, counterclaim, setoff, suit in equity, and any other proceeding in which rights are determined.

(b) "Aggrieved party" means a party entitled to pursue a remedy.

(c) "Agreement" means the bargain of the parties in fact, as found in their language or inferred from other circumstances, including course of performance, course of dealing, or usage of trade as provided in 30-1-205.

~~(d) "Authenticate" means to:~~

~~(i) sign; or~~

~~(ii) execute or adopt a symbol, or encrypt a record in whole or in part, with present intent to:~~

~~(A) identify the authenticating party; and~~

~~(B) adopt, accept, or establish the authenticity of a record or term.~~

~~(e)~~*(d)* "Bank" means any person engaged in the business of banking and includes a savings bank, savings and loan association, credit union, and trust company.

~~(f)~~*(e)* "Bearer" means a person in control of a negotiable electronic document of title or a person in possession of a negotiable instrument, negotiable tangible document of title, or certificated security payable to bearer or endorsed in blank.

~~(g)~~*(f)* (i) "Bill of lading" means a document of title evidencing the receipt of goods for shipment issued by a person engaged in the business of directly or indirectly transporting or forwarding goods.

(ii) The term does not include a warehouse receipt.

~~(h)~~*(g)* "Branch" includes a separately incorporated foreign branch of a bank.

~~(i)~~*(h)* "Burden of establishing" a fact means the burden of persuading the trier of fact that the existence of the fact is more probable than its nonexistence.

~~(j)~~*(i)* "Buyer in ordinary course of business" means a person that buys goods, in good faith, without knowledge that the sale violates the rights of another person in the goods, and in the ordinary course from a person, other than a pawnbroker, in the business of selling goods of that kind. A person buys goods in the ordinary course if the sale to the person comports with the usual or customary practices in the kind of business in which the seller is engaged or with the seller's own usual or customary practices. A person that sells oil, gas, or other minerals at the wellhead or minehead is a person in the business of selling goods of that kind. A buyer in ordinary course of business may buy for cash, by exchange of other property, or on secured or unsecured credit, and may acquire goods or documents of title under a preexisting contract for sale. Only a buyer that takes possession of the goods or has a right to recover the goods from the seller under chapter 2 may be a buyer in ordinary course of business. A person that acquires goods in a transfer in bulk or as security for or in total or partial satisfaction of a money debt is not a buyer in ordinary course of business.

~~(k)~~*(j)* "Conspicuous", with reference to a term, means so written, displayed, or presented that*, based on the totality of the circumstances,* a reasonable person against which it is to operate ought to have noticed it. Whether a term is "conspicuous" or not is for decision by the court. ~~Conspicuous terms include the following:~~

~~(i) a heading in capitals equal to or greater in size than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same or lesser size; and~~

~~(ii) language in the body of a record or display in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from surrounding text of the same size by symbols or other marks that call attention to the language.~~

~~(l)~~*(k)* "Consumer" means an individual who enters into a transaction primarily for personal, family, or household purposes.

~~(m)~~*(l)* "Contract" means the total legal obligation that results from the parties' agreement as affected by this code and as supplemented by any other applicable rules of law.

~~(n)~~*(m)* "Creditor" includes a general creditor, a secured creditor, a lien creditor, and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity, and an executor or administrator of an insolvent debtor's or assignor's estate.

~~(o)~~*(n)* "Defendant" includes a person in the position of defendant in a counterclaim or third-party claim.

~~(p)~~*(o)* "Delivery" with respect to an electronic document of title means voluntary transfer of control and, with respect to ~~instruments, tangible documents of title, or~~ *an instrument, a tangible document of title, or an authoritative tangible copy of a record evidencing* chattel paper*,* means voluntary transfer of possession.

~~(q)~~*(p)* (i) "Document of title" means a record:

(A) that in the regular course of business or financing is treated as adequately evidencing that the person in possession or control of the record is

entitled to receive, control, hold, and dispose of the record and the goods the record covers; and

(B) that purports to be issued by or addressed to a bailee and to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass.

(ii) The term includes a bill of lading, transport document, dock warrant, dock receipt, warehouse receipt, and order for delivery of goods. An electronic document of title is evidenced by a record consisting of information stored in an electronic medium. A tangible document of title is evidenced by a record consisting of information that is inscribed on a tangible medium.

(q) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(r) "Fault" means wrongful act, omission, breach, or default.

(s) "Fungible goods" means:

(i) goods of which any unit, by nature or usage of trade, is the equivalent of any other like unit; or

(ii) goods which by agreement are treated as equivalent.

(t) "Genuine" means free of forgery or counterfeiting.

(u) "Good faith", except as otherwise provided in chapter 5, means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(v) "Holder" means:

(i) the person in possession of a negotiable instrument that is payable either to bearer or to an identified person that is the person in possession;

(ii) ~~a~~ *the* person in possession of a negotiable tangible document of title if the goods are deliverable either to bearer or to the order of the person in possession; or

(iii) ~~a~~ *the* person in control*, other than pursuant to 30-7-107(7)* of a negotiable electronic document of title.

(w) "Insolvency proceedings" includes an assignment for the benefit of creditors or other proceeding intended to liquidate or rehabilitate the estate of the person involved.

(x) "Insolvent" means:

(i) having generally ceased to pay debts in the ordinary course of business other than as a result of bona fide dispute;

(ii) unable to pay debts as they become due; or

(iii) insolvent within the meaning of the federal bankruptcy law.

(y) "Money" means a medium of exchange *that is* currently authorized or adopted by a domestic or foreign government *and is not in an electronic form*. The term includes a monetary unit of account established by an intergovernmental organization or ~~by~~ *pursuant to an* agreement between two or more countries.

(z) "Organization" means a person other than an individual.

(aa) "Party", as distinct from "third party", means a person that has engaged in a transaction or made an agreement subject to this code.

(bb) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, ~~public corporation,~~ or any other legal or commercial entity. *The term includes a protected series, however denominated, of an entity if the protected series is established under law other than this code that limits, or limits if conditions specified under the law are satisfied, the ability of a creditor of the entity or of any other protected series of the entity to satisfy a claim from assets of the protected series.*

(cc) "Presumption" or "presumed" means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its nonexistence.

(dd) "Purchase" means taking by sale, lease, discount, negotiation, mortgage, pledge, lien, security interest, issue or reissue, gift, or any other voluntary transaction creating an interest in property.

(ee) "Purchaser" means a person that takes by purchase.

(ff) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(gg) "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

(hh) "Representative" means any other person empowered to act for another, including an agent, an officer of a corporation or association, and a trustee, executor, or administrator of an estate.

(ii) "Right" includes a remedy.

(jj) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. The term also includes any interest of a consignor and a buyer of accounts, chattel paper, a payment intangible, or a promissory note in a transaction that is subject to chapter 9A. The special property interest of a buyer of goods on identification of those goods to a contract for sale under 30-2-401 is not a "security interest", but a buyer may also acquire a "security interest" by complying with chapter 9A. Except as otherwise provided in 30-2-505, the right of a seller or lessor of goods under chapter 2 or 2A to retain or acquire possession of the goods in not a "security interest", but a seller or lessor may also acquire a "security interest" by complying with chapter 9A. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer (30-2-401) is limited in effect to a reservation of a "security interest". Whether a transaction in the form of a lease creates a "security interest" is determined pursuant to 30-1-211.

(kk) "Send" in connection with a ~~writing,~~ record~~,~~ or ~~notice~~ *notification* means:

(i) to deposit in the mail*,* ~~or~~ deliver for transmission*, or transmit* by any other usual means of communication*,* with postage or cost of transmission provided for*,* ~~and properly addressed, and in the case of an instrument, to an address specified thereon or otherwise agreed, or if there be none~~ *addressed* to any address reasonable under the circumstances; or

(ii) ~~in any other way to cause to be received any record or notice within the time it would have arrived if properly sent~~ *to cause the record or notification to be received within the time it would have been received if properly sent under subsection (2)(kk)(i).*

(ll) *(i)* ~~"Signed" includes any symbol executed or adopted with present intention to adopt or accept a writing.~~ *"Sign" means, with present intent to authenticate or adopt a record:*

(A) to execute or adopt a tangible symbol; or

(B) to attach to or logically associate with the record an electronic symbol, sound, or process.

(ii) "Signed", "signing", and "signature" have corresponding meanings.

(mm) "Surety" includes a guarantor or other secondary obligor.

(nn) "Term" means a portion of an agreement that relates to a particular matter.

(oo) "Unauthorized" signature means a signature made without actual, implied, or apparent authority. The term includes a forgery.

(pp) "Warehouse receipt" means a document of title issued by a person engaged in the business of storing goods for hire.

(qq) "Writing" includes printing, typewriting, or any other intentional reduction to tangible form. "Written" has a corresponding meaning."

Section 4. Section 30-1-212, MCA, is amended to read:

"**30-1-212. Value.** Except as otherwise provided in chapters 3 through 5 *and [sections 94 through 109]*, a person gives value for rights if the person acquires them:

(1) in return for a binding commitment to extend credit or for the extension of immediately available credit, whether or not drawn upon and whether or not a charge-back is provided for in the event of difficulties in collection;

(2) as security for, or in total or partial satisfaction of, a preexisting claim;

(3) by accepting delivery under a preexisting contract for purchase; or

(4) in return for any consideration sufficient to support a simple contract."

Section 5. Section 30-1-301, MCA, is amended to read:

"**30-1-301. Territorial applicability -- parties power to choose applicable law.** (1) Except as otherwise provided in this section, when a transaction bears a reasonable relation to this state and also to another state or nation, the parties may agree that the law either of this state or of the other state or nation shall govern their rights and duties.

(2) In the absence of an agreement effective under subsection (1) and except as provided in subsection (3), this code applies to transactions bearing an appropriate relation to this state.

(3) If one of the following provisions of this code specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law so specified:

(a) Section 30-2-402;

(b) Sections 30-2A-105 and 30-2A-106;

(c) Section 30-4-102;

(d) Section 30-4A-507;

(e) Section 30-5-136;

(f) Section 30-8-120;

(g) Sections 30-9A-301 through 30-9A-307;

(h) [Section 100]."

Section 6. Section 30-2-102, MCA, is amended to read:

"**30-2-102. Scope -- certain security and other transactions excluded from this chapter.** *(1)* Unless the context otherwise requires, *and except as provided in subsection (3),* this chapter applies to transactions in goods~~; it does not apply to any transaction which although in the form of an unconditional contract to sell or present sale is intended to operate only as a security transaction nor does this chapter impair or repeal any statute regulating sales to consumers, farmers or other specified classes of buyers~~ *and, in the case of a hybrid transaction, it applies to the extent provided in subsection (2).*

(2) In a hybrid transaction:

(a) if the sale-of-goods aspects do not predominate, only the provisions of this chapter that relate primarily to the sale-of-goods aspects of the transaction apply, and the provisions that relate primarily to the transaction as a whole do not apply;

(b) if the sale-of-goods aspects predominate, this chapter applies to the transaction but does not preclude application in appropriate circumstances of other law to aspects of the transaction that do not relate to the sale of goods.

(3) This chapter does not:

(a) apply to a transaction that, even though in the form of an unconditional contract to sell or present sale, operates only to create a security interest; or

(b) impair or repeal a statute regulating sales to consumers, farmers, or other specified classes of buyers."

Section 7. Section 30-2-106, MCA, is amended to read:

"**30-2-106. Definitions -- "contract" -- "agreement" -- "contract for sale" -- "sale" -- "present sale" -- "conforming" to contract -- "termination" -- "cancellation" -- *"hybrid transaction".*** (1) In this chapter unless the context otherwise requires "contract" and "agreement" are limited to those relating to the present or future sale of goods. "Contract for sale" includes both a present sale of goods and a contract to sell goods at a future time. A "sale" consists in the passing of title from the seller to the buyer for a price (30-2-401). A "present sale" means a sale which is accomplished by the making of the contract.

(2) Goods or conduct including any part of a performance are "conforming" or conform to the contract when they are in accordance with the obligations under the contract.

(3) "Termination" occurs when either party pursuant to a power created by agreement or law puts an end to the contract otherwise than for its breach. On "termination" all obligations which are still executory on both sides are discharged but any right based on prior breach or performance survives.

(4) "Cancellation" occurs when either party puts an end to the contract for breach by the other and its effect is the same as that of "termination" except that the canceling party also retains any remedy for breach of the whole contract or any unperformed balance.

(5) "Hybrid transaction" means a single transaction involving a sale of goods and:

(a) the provision of services;

(b) a lease of other goods; or

(c) a sale, lease, or license of property other than goods."

Section 8. Section 30-2-201, MCA, is amended to read:

"**30-2-201. Formal requirements -- statute of frauds.** (1) Except as otherwise provided in this section a contract for the sale of goods for the price of $500 or more is not enforceable by way of action or defense unless there is ~~some writing~~ *a record* sufficient to indicate that a contract for sale has been made between the parties and signed by the party against whom enforcement is sought or by the party's authorized agent or broker. A ~~writing~~ *record* is not insufficient because it omits or incorrectly states a term agreed upon but the contract is not enforceable under this subsection beyond the quantity of goods shown in the ~~writing~~ *record*.

(2) Between merchants if within a reasonable time a ~~writing~~ *record* in confirmation of the contract and sufficient against the sender is received and the party receiving it has reason to know its contents, it satisfies the requirements of subsection (1) against the party unless ~~written~~ notice *in a record* of objection to its contents is given within 10 days after it is received.

(3) A contract which does not satisfy the requirements of subsection (1) but which is valid in other respects is enforceable:

(a) if the goods are to be specially manufactured for the buyer and are not suitable for sale to others in the ordinary course of the seller's business and the seller, before notice of repudiation is received and under circumstances which reasonably indicate that the goods are for the buyer, has made either a substantial beginning of their manufacture or commitments for their procurement; or

(b) if the party against whom enforcement is sought admits in the party's pleading, testimony, or otherwise in court that a contract for sale was made, but the contract is not enforceable under this provision beyond the quantity of goods admitted; or

(c) with respect to goods for which payment has been made and accepted or which have been received and accepted (30-2-606)."

Section 9. Section 30-2-202, MCA, is amended to read:

"**30-2-202. Final written expression -- parol or extrinsic evidence.** Terms with respect to which the confirmatory memoranda of the parties agree or which are otherwise set forth in a ~~writing~~ *record* intended by the parties as a final expression of their agreement with respect to such terms as are included therein may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement but may be explained or supplemented:

~~(a)~~*(1)* by course of dealing or usage of trade (30-1-205) or by course of performance (30-2-208); and

~~(b)~~*(2)* by evidence of consistent additional terms unless the court finds the writing to have been intended also as a complete and exclusive statement of the terms of the agreement."

Section 10. Section 30-2-203, MCA, is amended to read:

"**30-2-203. Seals inoperative.** The affixing of a seal to a ~~writing~~ *record* evidencing a contract for sale or an offer to buy or sell goods does not constitute the ~~writing~~ *record* a sealed instrument and the law with respect to sealed instruments does not apply to such a contract or offer."

Section 11. Section 30-2-205, MCA, is amended to read:

"**30-2-205. Firm offers.** An offer by a merchant to buy or sell goods in a signed ~~writing~~ *record* which by its terms gives assurance that it will be held open is not revocable, for lack of consideration, during the time stated or if no time is stated for a reasonable time, but in no event may such period of irrevocability exceed 3 months; but any such term of assurance on a form supplied by the offeree must be separately signed by the offeror."

Section 12. Section 30-2-209, MCA, is amended to read:

"**30-2-209. Modification, rescission and waiver.** (1) An agreement modifying a contract within this chapter needs no consideration to be binding.

(2) A signed agreement which excludes modification or rescission except by a signed writing *or other signed record* cannot be otherwise modified or rescinded, but except as between merchants such a requirement on a form supplied by the merchant must be separately signed by the other party.

(3) The requirements of the statute of frauds section of this chapter (30-2-201) must be satisfied if the contract as modified is within its provisions.

(4) Although an attempt at modification or rescission does not satisfy the requirements of subsection (2) or (3) it can operate as a waiver.

(5) A party who has made a waiver affecting an executory portion of the contract may retract the waiver by reasonable notification received by the other party that strict performance will be required of any term waived, unless the retraction would be unjust in view of a material change of position in reliance on the waiver."

Section 13. Section 30-2A-102, MCA, is amended to read:

"**30-2A-102. Scope.** *(1)* This chapter applies to any transaction, regardless of form, that creates a lease *and, in the case of a hybrid lease, this chapter applies to the extent provided in subsection (2).*

(2) In a hybrid lease:

(a) if the lease-of-goods aspects do not predominate:

(i) only the provisions of this chapter that relate primarily to the lease-of-goods aspects of the transaction apply, and the provisions that relate primarily to the transaction as a whole do not apply;

(ii) 30-2A-209 applies if the lease is a finance lease; and

(iii) 30-2A-407 applies to the promises of the lessee in a finance lease to the extent the promises are consideration for the right to possession and use of the leased goods; and

(b) if the lease-of-goods aspects predominate, this chapter applies to the transaction, but does not preclude application in appropriate circumstances of other law to aspects of the lease that do not relate to the lease of goods."

Section 14. Section 30-2A-103, MCA, is amended to read:

"**30-2A-103. Definitions and index of definitions.** (1) In this chapter, unless the context otherwise requires, the following definitions apply:

(a) "Buyer in ordinary course of business" means a person, who in good faith and without knowledge that the sale to the buyer is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods, buys in ordinary course from a person in the business of selling goods of that kind, but the term does not include a pawnbroker. "Buying" may be for cash or by exchange of other property or on secured or unsecured credit and includes acquiring goods or documents of title under a preexisting contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(b) "Cancellation" occurs when either party puts an end to the lease contract for default by the other party.

(c) "Commercial unit" means such a unit of goods as by commercial usage is a single whole for purposes of lease and division of which materially impairs its character or value on the market or in use. A commercial unit may be a single article, as a machine; a set of articles, as a suite of furniture or a line of machinery; a quantity, as a gross or carload; or any other unit treated in use or in the relevant market as a single whole.

(d) "Conforming" goods or performance under a lease contract means goods or performance that is in accordance with the obligations under the lease contract.

(e) "Consumer lease" means a lease that a lessor regularly engaged in the business of leasing or selling makes to a lessee who is an individual and who takes under the lease primarily for a personal, family, or household purpose if the total payments to be made under the lease contract, excluding payments for options to renew or buy, do not exceed $25,000.

(f) "Fault" means wrongful act, omission, breach, or default.

(g) "Finance lease" means a lease with respect to which:

(i) the lessor does not select, manufacture, or supply the goods;

(ii) the lessor acquires the goods or the right to possession and use of the goods in connection with the lease; and

(iii) one of the following occurs:

(A) the lessee receives a copy of the contract by which the lessor acquired the goods or the right to possession and use of the goods before signing the lease contract;

(B) the lessee's approval of the contract by which the lessor acquired the goods or the right to possession and use of the goods is a condition to effectiveness of the lease contract;

(C) the lessee, before signing the lease contract, receives an accurate and complete statement designating the promises and warranties, and any disclaimers of warranties, limitations or modifications of remedies, or liquidated damages, including those of a third party, such as the manufacturer of the goods, provided to the lessor by the person supplying the goods in connection with or as part of the contract by which the lessor acquired the goods or the right to possession and use of the goods; or

(D) if the lease is not a consumer lease, the lessor, before the lessee signs the lease contract, informs the lessee in writing:

(I) of the identity of the person supplying the goods to the lessor, unless the lessee has selected that person and directed the lessor to acquire the goods or the right to possession and use of the goods from that person;

(II) that the lessee is entitled under this chapter to the promises and warranties, including those of any third party, provided to the lessor by the person supplying the goods in connection with or as part of the contract by which the lessor acquired the goods or the right to possession and use of the goods; and

(III) that the lessee may communicate with the person supplying the goods to the lessor and receive an accurate and complete statement of those promises and warranties, including any disclaimers and limitations of them or of remedies.

(h) "Goods" means all things that are movable at the time of identification to the lease contract, or are fixtures (30-2A-309), but the term does not include money, documents, instruments, accounts, chattel paper, general intangibles, or minerals or the like, including oil and gas, before extraction. The term also includes the unborn young of animals.

(i) "Hybrid lease" means a single transaction involving a lease of goods and:

(i) the provision of services;

(ii) a sale of other goods; or

(iii) a sale, lease, or license of property other than goods.

~~(i)~~*(j)* "Installment lease contract" means a lease contract that authorizes or requires the delivery of goods in separate lots to be separately accepted, even though the lease contract contains a clause "each delivery is a separate lease" or its equivalent.

~~(j)~~*(k)* "Lease" means a transfer of the right to possession and use of goods for a term in return for consideration, but a sale, including a sale on approval or a sale or return, or retention or creation of a security interest is not a lease. Unless the context clearly indicates otherwise, the term includes a sublease.

~~(k)~~*(l)* "Lease agreement" means the bargain, with respect to the lease, of the lessor and the lessee in fact as found in their language or by implication from other circumstances, including course of dealing or usage of trade or course of performance as provided in this chapter. Unless the context clearly indicates otherwise, the term includes a sublease agreement.

~~(l)~~*(m)* "Lease contract" means the total legal obligation that results from the lease agreement as affected by this chapter and any other applicable rules of law. Unless the context clearly indicates otherwise, the term includes a sublease contract.

~~(m)~~*(n)* "Leasehold interest" means the interest of the lessor or the lessee under a lease contract.

~~(n)~~*(o)* "Lessee" means a person who acquires the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublease.

~~(o)~~*(p)* "Lessee in ordinary course of business" means a person, who in good faith and without knowledge that the lease to the person is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods, leases in ordinary course from a person in the business of selling or leasing goods of that kind, but the term does not include a pawnbroker. "Leasing" may be for cash or by exchange of other property or on secured or unsecured credit and includes acquiring goods or documents of title under a preexisting lease contract but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

~~(p)~~*(q)* "Lessor" means a person who transfers the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessor.

~~(q)~~*(r)* "Lessor's residual interest" means the lessor's interest in the goods after expiration, termination, or cancellation of the lease contract.

~~(r)~~*(s)* "Lien" means a charge against or interest in goods to secure payment of a debt or performance of an obligation, but the term does not include a security interest.

~~(s)~~*(t)* "Lot" means a parcel or a single article that is the subject matter of a separate lease or delivery, whether or not it is sufficient to perform the lease contract.

~~(t)~~*(u)* "Merchant lessee" means a lessee that is a merchant with respect to goods of the kind subject to the lease.

~~(u)~~*(v)* "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain. The discount is determined by the interest rate specified by the parties if the rate was not manifestly unreasonable at the time the transaction was entered into; otherwise, the discount is determined by a commercially reasonable rate that takes into account the facts and circumstances of each case at the time the transaction was entered into.

~~(v)~~*(w)* "Purchase" includes taking by sale, lease, mortgage, security interest, pledge, gift, or any other voluntary transaction creating an interest in goods.

~~(w)~~*(x)* "Sublease" means a lease of goods the right to possession and use of which was acquired by the lessor as a lessee under an existing lease.

~~(x)~~*(y)* "Supplier" means a person from whom a lessor buys or leases goods to be leased under a finance lease.

~~(y)~~*(z)* "Supply contract" means a contract under which a lessor buys or leases goods to be leased.

~~(z)~~*(aa)* "Termination" occurs when either party pursuant to a power created by agreement or law puts an end to the lease contract otherwise than for default.

(2) Other definitions applying to this chapter and the sections in which they appear are:

(a) "Accessions". 30-2A-310(1).

(b) "Construction mortgage". 30-2A-309(1)(d).

(c) "Encumbrance". 30-2A-309(1)(e).

(d) "Fixtures". 30-2A-309(1)(a).

(e) "Fixture filing". 30-2A-309(1)(b).

(f) "Purchase money lease". 30-2A-309(1)(c).

(3) The following definitions in other chapters apply to this chapter:

(a) "Account". 30-9A-102(1)(b).

(b) "Between merchants". 30-2-104(3).

(c) "Buyer". 30-2-103(1)(a).

(d) "Chattel paper". 30-9A-102~~(1)(k)~~*(1)(l)*.

(e) "Consumer goods". 30-9A-102~~(1)(w)~~*(1)(x)*.

(f) "Document". 30-9A-102~~(1)(dd)~~*(1)(gg)*.

(g) "Entrusting". 30-2-403(3).

(h) "General intangible". 30-9A-102~~(1)(pp)~~*(1)(rr)*.

(i) "Good faith". 30-2-103(1)(b).

(j) "Instrument". 30-9A-102~~(1)(uu)~~*(1)(ww)*.

(k) "Merchant". 30-2-104(1).

(l) "Mortgage". 30-9A-102~~(1)(ccc)~~*(1)(fff)*.

(m) "Pursuant to commitment". 30-9A-102~~(1)(qqq)~~*(1)(ttt)*.

(n) "Receipt". 30-2-103(1)(c).

(o) "Sale". 30-2-106(1).
(p) "Sale on approval". 30-2-326.
(q) "Sale or return". 30-2-326.
(r) "Seller". 30-2-103(1)(d).

(4) In addition, Title 30, chapter 1, contains general definitions and principles of construction and interpretation applicable throughout this chapter."

Section 15. Section 30-2A-107, MCA, is amended to read:

"**30-2A-107. Waiver or renunciation of claim or right after default.** Any claim or right arising out of an alleged default or breach of warranty may be discharged in whole or in part without consideration by a ~~written~~ waiver or renunciation *in a* signed ~~and~~ *record* delivered by the aggrieved party."

Section 16. Section 30-2A-201, MCA, is amended to read:

"**30-2A-201. Statute of frauds.** (1) A lease contract is not enforceable by way of action or defense unless:

(a) the total payments to be made under the lease contract, excluding payments for options to renew or buy, are less than $1,000; or

(b) there is a ~~writing~~ *record*, signed by the party against whom enforcement is sought or by that party's authorized agent, sufficient to indicate that a lease contract has been made between the parties and to describe the goods leased and the lease term.

(2) Any description of leased goods or of the lease term is sufficient and satisfies subsection (1)(b), whether or not it is specific, if it reasonably identifies what is described.

(3) A ~~writing~~ *record* is not insufficient because it omits or incorrectly states a term agreed upon, but the lease contract is not enforceable under subsection (1)(b) beyond the lease term and the quantity of goods shown in the ~~writing~~ *record*.

(4) A lease contract that does not satisfy the requirements of subsection (1), but which is valid in other respects, is enforceable:

(a) if the goods are to be specially manufactured or obtained for the lessee and are not suitable for lease or sale to others in the ordinary course of the lessor's business and the lessor, before notice of repudiation is received and under circumstances that reasonably indicate that the goods are for the lessee, has made either a substantial beginning of their manufacture or commitments for their procurement;

(b) if the party against whom enforcement is sought admits in that party's pleading, testimony, or otherwise in court that a lease contract was made but the lease contract is not enforceable under this provision beyond the quantity of goods admitted; or

(c) with respect to goods that have been received and accepted by the lessee.

(5) The lease term under a lease contract referred to in subsection (4) is:

(a) if there is a ~~writing~~ *record* signed by the party against whom enforcement is sought or by that party's authorized agent specifying the lease term, the term so specified;

(b) if the party against whom enforcement is sought admits in that party's pleading, testimony, or otherwise in court a lease term, the term so admitted; or

(c) a reasonable lease term."

Section 17. Section 30-2A-202, MCA, is amended to read:

"**30-2A-202. Final ~~written~~ expression -- parol or extrinsic evidence.** Terms with respect to which the confirmatory memoranda of the parties agree or which are otherwise set forth in a ~~writing~~ *record* intended by the parties as a final expression of their agreement with respect to such terms as are included

therein may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement but may be explained or supplemented:

(1) by course of dealing or usage of trade or by course of performance; and

(2) by evidence of consistent additional terms unless the court finds the ~~writing~~ *record* to have been intended also as a complete and exclusive statement of the terms of the agreement."

Section 18. Section 30-2A-203, MCA, is amended to read:

"**30-2A-203. Seals inoperative.** The affixing of a seal to a ~~writing~~ *record* evidencing a lease contract or an offer to enter into a lease contract does not render the ~~writing~~ *record* a sealed instrument, and the law with respect to sealed instruments does not apply to the lease contract or offer."

Section 19. Section 30-2A-205, MCA, is amended to read:

"**30-2A-205. Firm offers.** An offer by a merchant to lease goods to or from another person in a signed ~~writing~~ *record* that by its terms gives assurance it will be held open is not revocable, for lack of consideration, during the time stated or, if no time is stated, for a reasonable time, but in no event may the period of irrevocability exceed 3 months. Any such term of assurance on a form supplied by the offeree must be separately signed by the offeror."

Section 20. Section 30-2A-208, MCA, is amended to read:

"**30-2A-208. Modification, rescission, and waiver.** (1) An agreement modifying a lease contract needs no consideration to be binding.

(2) A signed lease agreement that excludes modification or rescission except by a signed ~~writing~~ *record* may not be otherwise modified or rescinded, but, except as between merchants, such a requirement on a form supplied by a merchant must be separately signed by the other party.

(3) Although an attempt at modification or rescission does not satisfy the requirements of subsection (2), it may operate as a waiver.

(4) A party who has made a waiver affecting an executory portion of a lease contract may retract the waiver by reasonable notification received by the other party that strict performance will be required of any term waived, unless the retraction would be unjust in view of a material change of position in reliance on the waiver."

Section 21. Section 30-3-102, MCA, is amended to read:

"**30-3-102. Definitions.** (1) In this chapter, unless the context otherwise requires, the following definitions apply:

(a) "Acceptor" means a drawee that has accepted a draft.

(b) "Drawee" means a person ordered in a draft to make payment.

(c) "Drawer" means a person that signs a draft as a person ordering payment.

(d) "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(e) "Maker" means a person that signs a note as promisor of payment.

(f) "Order" means a written instruction to pay money signed by the person giving the instruction. The instruction may be addressed to any person, including the person giving the instruction, or to one or more persons jointly or in the alternative but not in succession. An authorization to pay is not an order unless the person authorized to pay is also instructed to pay.

(g) "Ordinary care" in the case of a person engaged in business means observance of reasonable commercial standards, prevailing in the area in which that person is located, with respect to the business in which that person is engaged. In the case of a bank that takes an instrument for processing for collection or payment by automated means, reasonable commercial standards do not require the bank to examine the instrument if the failure to examine does not violate the bank's prescribed procedures and the bank's procedures

do not vary unreasonably from general banking usage not disapproved by this chapter or chapter 4.

(h) "Party" means party to an instrument.

(i) "Promise" means a written undertaking to pay money signed by the person undertaking to pay. An acknowledgment of an obligation by the obligor is not a promise unless the obligor also undertakes to pay the obligation.

(j) "Prove" with respect to a fact means to meet the burden of establishing the fact (30-1-201~~(2)(i)~~*(2)(h)*).

(k) "Remitter" means a person that purchases an instrument from its issuer if the instrument is payable to an identified person other than the purchaser.

(2) Other definitions applying to this chapter and the sections in which they appear are:

"Acceptance". 30-3-410.
"Accommodated party". 30-3-415.
"Accommodation party". 30-3-415.
"Alteration". 30-3-407.
"Anomalous indorsement". 30-3-204.
"Blank indorsement". 30-3-204.
"Cashier's check". 30-3-104.
"Certificate of deposit". 30-3-104.
"Certified check". 30-3-410.
"Check". 30-3-104.
"Consideration". 30-3-303.
"Draft". 30-3-104.
"Fiduciary". 30-3-308.
"Holder in due course". 30-3-302.
"Incomplete instrument". 30-3-115.
"Indorsement". 30-3-203.
"Indorser". 30-3-203.
"Instrument". 30-3-104.
"Issue". 30-3-125.
"Issuer". 30-3-125.
"Negotiable instrument". 30-3-104.
"Negotiation". 30-3-202.
"Note". 30-3-104.
"Payable at a definite time". 30-3-109.
"Payable on demand". 30-3-108.
"Payable to bearer". 30-3-111.
"Payable to order". 30-3-111.
"Payment". 30-3-603.
"Person entitled to enforce". 30-3-301.
"Presentment". 30-3-504.
"Reacquisition". 30-3-208.
"Represented person". 30-3-308.
"Special indorsement". 30-3-204.
"Teller's check". 30-3-104.
"Transfer of instrument". 30-3-210.
"Traveler's check". 30-3-104.
"Value". 30-3-303.

(3) The following definitions in other chapters apply to this chapter:

"Bank". 30-4-105.
"Banking day". 30-4-104.
"Clearinghouse". 30-4-104.
"Collecting bank". 30-4-105.

"Customer". 30-4-104.
"Depositary bank". 30-4-105.
"Documentary draft". 30-4-104.
"Intermediary bank". 30-4-105.
"Item". 30-4-104.
"Payor bank". 30-4-105.
"Suspends payments". 30-4-104.

(4) In addition, chapter 1 contains general definitions and principles of construction and interpretation applicable throughout this chapter."

Section 22. Section 30-3-104, MCA, is amended to read:

"**30-3-104. Negotiable instrument.** (1) "Negotiable instrument" means an unconditional promise or order to pay a fixed amount of money, with or without interest or other charges described in the promise or order, if it:

(a) is payable to bearer or to order at the time it is issued or first comes into possession of a holder;

(b) is payable on demand or at a definite time; and

(c) does not state any other undertaking or instruction by the person promising or ordering payment to do any act in addition to the payment of money except that the promise or order may contain:

(i) an undertaking or power to give, maintain, or protect collateral to secure payment;

(ii) an authorization or power to the holder to confess judgment or realize on or dispose of collateral; ~~or~~

(iii) a waiver of the benefit of any law intended for the advantage or protection of any obligor*;*

(iv) a term that specifies the law that governs the promise or order; or

(v) an undertaking to resolve in a specified forum a dispute concerning the promise or order.

(2) "Instrument" means a negotiable instrument.

(3) An order that meets all of the requirements of subsection (1) except subsection (1)(a) and otherwise falls within the definition of "check" in subsection (6) is a negotiable instrument and a check.

(4) Notwithstanding the provisions of subsection (1), a promise or order other than a check is not an instrument if, at the time it is issued or first comes into possession of a holder, it contains a conspicuous statement, however expressed, indicating that the writing is not an instrument governed by this chapter.

(5) An instrument is a "note" if it is a promise and is a "draft" if it is an order. If an instrument falls within the definition of both note and draft, the person entitled to enforce the instrument may treat it as either.

(6) (a) "Check" means:

(i) a draft, other than a documentary draft, payable on demand and drawn on a bank; or

(ii) a cashier's check or teller's check.

(b) An instrument may be a check even though it is described on its face by another term, such as "money order".

(7) "Cashier's check" means a draft with respect to which the drawer and drawee are the same bank or branches of the same bank.

(8) "Teller's check" means a draft drawn by a bank:

(a) on another bank; or

(b) payable at or through a bank.

(9) "Traveler's check" means an instrument that:

(a) is payable on demand;

(b) is drawn on or payable at or through a bank;

(c) is designated by the term traveler's check or by a substantially similar term; and

(d) requires, as a condition to payment, a countersignature by a person whose specimen signature appears on the instrument.

(10) "Certificate of deposit" means an instrument containing an acknowledgment by a bank that a sum of money has been received by the bank and a promise by the bank to repay the sum of money. A certificate of deposit is a note of the bank."

Section 23. Section 30-3-125, MCA, is amended to read:

"**30-3-125. Issue of instrument.** (1) "Issue" means*:*

(a) the first delivery of an instrument by the maker or drawer, whether to a holder or nonholder, for the purpose of giving rights on the instrument to any person*.; or*

(b) if agreed by the payee, the first transmission by the drawer to the payee of an image of an item and information derived from the item that enables the depositary bank to collect the item by transferring or presenting under federal law an electronic check.

(2) An unissued instrument or an unissued incomplete instrument (30-3-115) that is completed is binding on the maker or drawer, but nonissuance is a defense. An instrument that is conditionally issued or is issued for a special purpose is binding on the maker or drawer, but failure of the condition or special purpose to be fulfilled is a defense.

(3) "Issuer" applies to issued and unissued instruments and means any person that signs an instrument as maker or drawer."

Section 24. Section 30-3-401, MCA, is amended to read:

"**30-3-401. Signature *necessary for liability on instrument.*** ~~(1)~~ A person is not liable on an instrument unless:

~~(a)~~*(1)* the person signed the instrument; or

~~(b)~~*(2)* the person is represented by an agent or representative who signed the instrument and the signature is binding on the represented person under 30-3-403.

~~(2) A signature is made:~~

~~(a) manually or by means of a device or machine; and~~

~~(b) by use of any name, including any trade or assumed name, or by any word, mark, or symbol executed or adopted by a person with present intention to authenticate a writing.~~"

Section 25. Section 30-3-605, MCA, is amended to read:

"**30-3-605. Discharge by cancellation or renunciation.** (1) A person entitled to enforce an instrument may, with or without consideration, discharge the obligation of a party to pay the instrument:

(a) by an intentional voluntary act, such as surrender of the instrument to the party; destruction, mutilation, or cancellation of the instrument; cancellation or striking out of the party's signature; or the addition of words to the instrument indicating discharge; or

(b) by agreeing not to sue or otherwise renouncing rights against the party by a signed ~~writing~~ *record. The obligation of a party to pay a check is not discharged solely by destruction of the check in connection with a process in which information is extracted from the check and an image of the check is made and, subsequently, the information and image are transmitted for payment.*

(2) Cancellation or striking out of an indorsement pursuant to subsection (1) does not affect the status and rights of a party derived from the indorsement."

Section 26. Section 30-4A-103, MCA, is amended to read:

"**30-4A-103. Payment order -- definitions.** (1) In this chapter, the following definitions apply:

(a) "Payment order" means an instruction of a sender to a receiving bank, transmitted orally~~, electronically, or in writing~~ *or in a record*, to pay, or to cause another bank to pay, a fixed or determinable amount of money to a beneficiary if:

(i) the instruction does not state a condition to payment to the beneficiary other than time of payment;

(ii) the receiving bank is to be reimbursed by debiting an account of, or otherwise receiving payment from, the sender; and

(iii) the instruction is transmitted by the sender directly to the receiving bank or to an agent, funds-transfer system, or communication system for transmittal to the receiving bank.

(b) "Beneficiary" means the person to be paid by the beneficiary's bank.

(c) "Beneficiary's bank" means the bank identified in a payment order in which an account of the beneficiary is to be credited pursuant to the order or that otherwise is to make payment to the beneficiary if the order does not provide for payment to an account.

(d) "Receiving bank" means the bank to which the sender's instruction is addressed.

(e) "Sender" means the person giving the instruction to the receiving bank.

(2) If an instruction complying with subsection (1)(a) is to make more than one payment to a beneficiary, the instruction is a separate payment order with respect to each payment.

(3) A payment order is issued when it is sent to the receiving bank."

Section 27. Section 30-4A-105, MCA, is amended to read:

"**30-4A-105. Other definitions.** (1) In this chapter, the following definitions apply:

(a) "Authorized account" means a deposit account of a customer in a bank designated by the customer as a source of payment of payment orders issued by the customer to the bank. If a customer does not so designate an account, any account of the customer is an authorized account if payment of a payment order from that account is not inconsistent with a restriction on the use of that account.

(b) "Bank" means a person engaged in the business of banking and includes a savings bank, savings and loan association, credit union, and trust company. A branch or separate office of a bank is a separate bank for purposes of this chapter.

(c) "Customer" means a person, including a bank, having an account with a bank or from whom a bank has agreed to receive payment orders.

(d) "Funds-transfer business day" of a receiving bank means the part of a day during which the receiving bank is open for the receipt, processing, and transmittal of payment orders and cancellations and amendments of payment orders.

(e) "Funds-transfer system" means a wire transfer network, automated clearinghouse, or other communication system of a clearinghouse or other association of banks through which a payment order by a bank may be transmitted to the bank to which the order is addressed.

(f) "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(g) "Prove", with respect to a fact, means to meet the burden of establishing the fact (30-1-201~~(2)(i)~~*(2)(h)*).

(2) Other definitions applying to this chapter and the sections in which they appear are:

"Acceptance". 30-4A-209.

"Beneficiary". 30-4A-103.

"Beneficiary's bank". 30-4A-103.
"Executed". 30-4A-301.
"Execution date". 30-4A-301.
"Funds transfer". 30-4A-104.
"Funds-transfer system rule". 30-4A-501.
"Intermediary bank". 30-4A-104.
"Originator". 30-4A-104.
"Originator's bank". 30-4A-104.
"Payment by beneficiary's bank to beneficiary". 30-4A-405.
"Payment by originator to beneficiary". 30-4A-406.
"Payment by sender to receiving bank". 30-4A-403.
"Payment date". 30-4A-401.
"Payment order". 30-4A-103.
"Receiving bank". 30-4A-103.
"Security procedure". 30-4A-201.
"Sender". 30-4A-103.

(3) The following definitions in chapter 4 apply to this chapter:
"Clearinghouse". 30-4-104.
"Item". 30-4-104.
"Suspends payments". 30-4-104.

(4) In addition, chapter 1 contains general definitions and principles of construction and interpretation applicable throughout this chapter."

Section 28. Section 30-4A-201, MCA, is amended to read:

"**30-4A-201. Security procedure.** "Security procedure" means a procedure established by agreement of a customer and a receiving bank for the purpose of verifying that a payment order or communication amending or canceling a payment order is that of the customer or detecting error in the transmission or the content of the payment order or communication. A security procedure *may impose an obligation on the receiving bank or the customer and* may require the use of algorithms or other codes, identifying words, ~~or~~ numbers, *symbols, sounds, biometrics*, encryption, callback procedures, or similar security devices. Comparison of a signature on a payment order or communication with an authorized specimen signature of the customer *or requiring a payment order to be sent from a known e-mail address, IP address, or telephone number* is not by itself a security procedure."

Section 29. Section 30-4A-202, MCA, is amended to read:

"**30-4A-202. Authorized and verified payment orders.** (1) A payment order received by the receiving bank is the authorized order of the person identified as sender if that person authorized the order or is otherwise bound by it under the law of agency.

(2) If a bank and its customer have agreed that the authenticity of payment orders issued to the bank in the name of the customer as sender will be verified pursuant to a security procedure, a payment order received by the receiving bank is effective as the order of the customer, whether or not authorized, if the security procedure is a commercially reasonable method of providing security against unauthorized payment orders and the bank proves that it accepted the payment order in good faith and in compliance with *the bank's obligations under* the security procedure and any ~~written~~ agreement or instruction of the customer*, evidenced by a record,* restricting acceptance of payment orders issued in the name of the customer. The bank is not required to follow an instruction that violates ~~a written~~ *an* agreement with the customer*, evidenced by a record,* or notice of which is not received at a time and in a manner affording the bank a reasonable opportunity to act on it before the payment order is accepted.

(3) Commercial reasonableness of a security procedure is a question of law to be determined by considering the wishes of the customer expressed to the bank, the circumstances of the customer known to the bank, including the size, type, and frequency of payment orders normally issued by the customer to the bank, alternative security procedures offered to the customer, and security procedures in general use by customers and receiving banks similarly situated. A security procedure is considered to be commercially reasonable if:

(a) the security procedure was chosen by the customer after the bank offered, and the customer refused, a security procedure that was commercially reasonable for that customer; and

(b) the customer expressly agreed in ~~writing~~ *a record* to be bound by any payment order, whether or not authorized, issued in the customer's name and accepted by the bank in compliance with *the bank's obligation under* the security procedure chosen by the customer.

(4) The term "sender" in this chapter includes the customer in whose name a payment order is issued if the order is the authorized order of the customer under subsection (1) or if it is effective as the order of the customer under subsection (2).

(5) This section applies to amendments and cancellations of payment orders to the same extent it applies to payment orders.

(6) Except as provided in this section and in 30-4A-203(1)(a), rights and obligations arising under this section or 30-4A-203 may not be varied by agreement."

Section 30. Section 30-4A-203, MCA, is amended to read:

"**30-4A-203. Unenforceability of certain verified payment orders.** (1) If an accepted payment order is not, under 30-4A-202(1), an authorized order of a customer identified as sender, but is effective as an order of the customer pursuant to 30-4A-202(2), the following rules apply:

(a) By express ~~written~~ agreement *evidenced by a record*, the receiving bank may limit the extent to which it is entitled to enforce or retain payment of the payment order.

(b) (i) The receiving bank is not entitled to enforce or retain payment of the payment order if the customer proves that the order was not caused, directly or indirectly, by a person:

(A) entrusted at any time with duties to act for the customer with respect to payment orders or the security procedure; or

(B) who obtained access to transmitting facilities of the customer or who obtained, from a source controlled by the customer and without authority of the receiving bank, information facilitating breach of the security procedure, regardless of how the information was obtained or whether the customer was at fault.

(ii) Information includes any access device, computer software, or the like.

(2) This section applies to amendments of payment orders to the same extent it applies to payment orders."

Section 31. Section 30-4A-207, MCA, is amended to read:

"**30-4A-207. Misdescription of beneficiary.** (1) Subject to subsection (2), if, in a payment order received by the beneficiary's bank, the name, bank account number, or other identification of the beneficiary refers to a nonexistent or unidentifiable person or account, no person has rights as a beneficiary of the order and acceptance of the order cannot occur.

(2) If a payment order received by the beneficiary's bank identifies the beneficiary both by name and by an identifying or bank account number and the name and number identify different persons, the following rules apply:

(a) Except as otherwise provided in subsection (3), if the beneficiary's bank does not know that the name and number refer to different persons, it may rely on the number as the proper identification of the beneficiary of the order. The beneficiary's bank need not determine whether the name and number refer to the same person.

(b) If the beneficiary's bank pays the person identified by name or knows that the name and number identify different persons, no person has rights as beneficiary except the person paid by the beneficiary's bank if that person was entitled to receive payment from the originator of the funds transfer. If no person has rights as beneficiary, acceptance of the order cannot occur.

(3) If a payment order described in subsection (2) is accepted, the originator's payment order described the beneficiary inconsistently by name and number, and the beneficiary's bank pays the person identified by number as permitted by subsection (2)(a), the following rules apply:

(a) If the originator is a bank, the originator is obliged to pay its order.

(b) If the originator is not a bank and proves that the person identified by number was not entitled to receive payment from the originator, the originator is not obliged to pay its order unless the originator's bank proves that the originator, before acceptance of the originator's order, had notice that payment of a payment order issued by the originator might be made by the beneficiary's bank on the basis of an identifying or bank account number even if it identifies a person different from the named beneficiary. Proof of notice may be made by any admissible evidence. The originator's bank satisfies the burden of proof if it proves that the originator, before the payment order was accepted, signed a ~~writing~~ *record* stating the information to which the notice relates.

(4) In a case governed by subsection (2)(a), if the beneficiary's bank rightfully pays the person identified by number and that person was not entitled to receive payment from the originator, the amount paid may be recovered from that person to the extent allowed by the law governing mistake and restitution as follows:

(a) If the originator is obliged to pay its payment order as stated in subsection (3), the originator has the right to recover.

(b) If the originator is not a bank and is not obliged to pay its payment order, the originator's bank has the right to recover."

Section 32. Section 30-4A-208, MCA, is amended to read:

"**30-4A-208. Misdescription of intermediary bank or beneficiary's bank.** (1) This subsection applies to a payment order identifying an intermediary bank or the beneficiary's bank only by an identifying number as follows:

(a) The receiving bank may rely on the number as the proper identification of the intermediary or beneficiary's bank and need not determine whether the number identifies a bank.

(b) The sender is obliged to compensate the receiving bank for any loss and expenses incurred by the receiving bank as a result of its reliance on the number in executing or attempting to execute the order.

(2) This subsection applies to a payment order identifying an intermediary bank or the beneficiary's bank, both by name and an identifying number, if the name and number identify different persons as follows:

(a) If the sender is a bank, the receiving bank may rely on the number as the proper identification of the intermediary or beneficiary's bank if the receiving bank, when it executes the sender's order, does not know that the name and number identify different persons. The receiving bank need not determine whether the name and number refer to the same person or whether the number refers to a bank. The sender is obliged to compensate the receiving

bank for any loss and expenses incurred by the receiving bank as a result of its reliance on the number in executing or attempting to execute the order.

(b) If the sender is not a bank and the receiving bank proves that the sender, before the payment order was accepted, had notice that the receiving bank might rely on the number as the proper identification of the intermediary or beneficiary's bank even if it identifies a person different from the bank identified by name, the rights and obligations of the sender and the receiving bank are governed by subsection (2)(a), as though the sender were a bank. Proof of notice may be made by any admissible evidence. The receiving bank satisfies the burden of proof if it proves that the sender, before the payment order was accepted, signed a ~~writing~~ *record* stating the information to which the notice relates.

(c) Regardless of whether the sender is a bank, the receiving bank may rely on the name as the proper identification of the intermediary or beneficiary's bank if the receiving bank, at the time it executes the sender's order, does not know that the name and number identify different persons. The receiving bank need not determine whether the name and number refer to the same person.

(d) If the receiving bank knows that the name and number identify different persons, reliance on either the name or the number in executing the sender's payment order is a breach of the obligation stated in 30-4A-302(1)(a)."

Section 33. Section 30-4A-210, MCA, is amended to read:

"**30-4A-210. Rejection of payment order.** (1) A payment order is rejected by the receiving bank by a notice of rejection transmitted to the sender orally~~, electronically,~~ or in ~~writing~~ *a record*. A notice of rejection need not use any particular words and is sufficient if it indicates that the receiving bank is rejecting the order or will not execute or pay the order. Rejection is effective when the notice is given if transmission is by a means that is reasonable in the circumstances. If notice of rejection is given by a means that is not reasonable, rejection is effective when the notice is received. If an agreement of the sender and receiving bank establishes the means to be used to reject a payment order:

(a) any means complying with the agreement is reasonable; and

(b) any means not complying is not reasonable unless no significant delay in receipt of the notice resulted from the use of the noncomplying means.

(2) This subsection applies if a receiving bank other than the beneficiary's bank fails to execute a payment order despite the existence on the execution date of a withdrawable credit balance in an authorized account of the sender sufficient to cover the order. If the sender does not receive notice of rejection of the order on the execution date and the authorized account of the sender does not bear interest, the bank is obliged to pay interest to the sender on the amount of the order for the number of days elapsing after the execution date to the earlier of the day the order is canceled pursuant to 30-4A-211(4) or the day the sender receives notice or learns that the order was not executed, counting the final day of the period as an elapsed day. If the withdrawable credit balance during that period falls below the amount of the order, the amount of interest is reduced accordingly.

(3) If a receiving bank suspends payments, all unaccepted payment orders issued to it are considered rejected at the time the bank suspends payments.

(4) Acceptance of a payment order precludes a later rejection of the order. Rejection of a payment order precludes a later acceptance of the order."

Section 34. Section 30-4A-211, MCA, is amended to read:

"**30-4A-211. Cancellation and amendment of payment order.** (1) A communication of the sender of a payment order canceling or amending the order may be transmitted to the receiving bank orally~~, electronically,~~ or in ~~writing~~ *a record*. If a security procedure is in effect between the sender and the

receiving bank, the communication is not effective to cancel or amend the order unless the communication is verified pursuant to the security procedure or the bank agrees to the cancellation or amendment.

(2) Subject to subsection (1), a communication by the sender canceling or amending a payment order is effective to cancel or amend the order if notice of the communication is received at a time and in a manner affording the receiving bank a reasonable opportunity to act on the communication before the bank accepts the payment order.

(3) After a payment order has been accepted, cancellation or amendment of the order is not effective unless the receiving bank agrees or a funds-transfer system rule allows cancellation or amendment without agreement of the bank as follows:

(a) With respect to a payment order accepted by a receiving bank other than the beneficiary's bank, cancellation or amendment is not effective unless a conforming cancellation or amendment of the payment order issued by the receiving bank is also made.

(b) (i) With respect to a payment order accepted by the beneficiary's bank, cancellation or amendment is not effective unless the order was issued in execution of an unauthorized payment order or because of a mistake by a sender in the funds transfer that resulted in the issuance of a payment order:

(A) that is a duplicate of a payment order previously issued by the sender;

(B) that orders payment to a beneficiary not entitled to receive payment from the originator; or

(C) that orders payment in an amount greater than the amount the beneficiary was entitled to receive from the originator.

(ii) If the payment order is canceled or amended, the beneficiary's bank is entitled to recover from the beneficiary any amount paid to the beneficiary to the extent allowed by the law governing mistake and restitution.

(4) An unaccepted payment order is canceled by operation of law at the close of the fifth funds-transfer business day of the receiving bank after the execution date or payment date of the order.

(5) A canceled payment order cannot be accepted. If an accepted payment order is canceled, the acceptance is nullified and no person has any right or obligation based on the acceptance. Amendment of a payment order is considered to be cancellation of the original order at the time of amendment and issue of a new payment order in the amended form at the same time.

(6) Unless otherwise provided in an agreement of the parties or in a funds-transfer system rule, if the receiving bank, after accepting a payment order, agrees to cancellation or amendment of the order by the sender or is bound by a funds-transfer system rule allowing cancellation or amendment without the bank's agreement, the sender, whether or not cancellation or amendment is effective, is liable to the bank for any loss and expenses, including reasonable attorney fees, incurred by the bank as a result of the cancellation or amendment or attempted cancellation or amendment.

(7) A payment order is not revoked by the death or legal incapacity of the sender unless the receiving bank knows of the death or of an adjudication of incapacity by a court of competent jurisdiction and has reasonable opportunity to act before acceptance of the order.

(8) A funds-transfer system rule is not effective to the extent it conflicts with subsection (3)(b)."

Section 35. Section 30-4A-305, MCA, is amended to read:

"**30-4A-305. Liability for late or improper execution or failure to execute payment order.** (1) If a funds transfer is completed but execution of a payment order by the receiving bank in breach of 30-4A-302 results in delay

in payment to the beneficiary, the bank is obliged to pay interest to either the originator or the beneficiary of the funds transfer for the period of delay caused by the improper execution. Except as provided in subsection (3), additional damages are not recoverable.

(2) If execution of a payment order by a receiving bank in breach of 30-4A-302 results in noncompletion of the funds transfer, failure to use an intermediary bank designated by the originator, or issuance of a payment order that does not comply with the terms of the payment order of the originator, the bank is liable to the originator for its expenses in the funds transfer and for incidental expenses and interest losses, to the extent not covered by subsection (1), resulting from the improper execution. Except as provided in subsection (3), additional damages are not recoverable.

(3) In addition to the amounts payable under subsections (1) and (2), damages, including consequential damages, are recoverable to the extent provided in an express ~~written~~ agreement of the receiving bank*, evidenced by a record*.

(4) If a receiving bank fails to execute a payment order it was obliged by express agreement to execute, the receiving bank is liable to the sender for its expenses in the transaction and for incidental expenses and interest losses resulting from the failure to execute. Additional damages, including consequential damages, are recoverable to the extent provided in an express ~~written~~ agreement of the receiving bank*, evidenced by a record,* but are not otherwise recoverable.

(5) Reasonable attorney fees are recoverable if demand for compensation under subsection (1) or (2) is made and refused before an action is brought on the claim. If a claim is made for breach of an agreement under subsection (4) and the agreement does not provide for damages, reasonable attorney fees are recoverable if demand for compensation under subsection (4) is made and refused before an action is brought on the claim.

(6) Except as stated in this section, the liability of a receiving bank under subsections (1) and (2) may not be varied by agreement."

Section 36. Section 30-5-124, MCA, is amended to read:

"**30-5-124. Formal requirements.** A letter of credit, confirmation, advice, transfer, amendment, or cancellation may be issued in any form that is a *signed* record ~~and is authenticated:~~

~~(1) by a signature; or~~

~~(2) in accordance with the agreement of the parties or the standard practice referred to in 30-5-128(5).~~"

Section 37. Section 30-5-136, MCA, is amended to read:

"**30-5-136. Choice of law and forum.** (1) The liability of an issuer, nominated person, or adviser for action or omission is governed by the law of the jurisdiction chosen by an agreement in the form of a record signed ~~or otherwise authenticated~~ by the affected parties ~~in the manner provided in 30-5-124~~ or by a provision in the person's letter of credit, confirmation, or other undertaking. The jurisdiction whose law is chosen need not bear any relation to the transaction.

(2) Unless subsection (1) applies, the liability of an issuer, nominated person, or adviser for action or omission is governed by the law of the jurisdiction in which the person is located. The person is considered to be located at the address indicated in the person's undertaking. If more than one address is indicated, the person is considered to be located at the address from which the person's undertaking was issued.

(3) For the purpose of jurisdiction, choice of law, and recognition of interbranch letters of credit, but not enforcement of a judgment, all branches

of a bank are considered separate juridical entities and a bank is considered to be located at the place where its relevant branch is considered to be located under ~~this~~ subsection *(4)*.

(4) A branch of a bank is considered to be located at the address indicated in the branch's undertaking. If more than one address is indicated, the branch is considered to be located at the address from which the undertaking was issued.

~~(3)~~*(5)* (a) Except as otherwise provided in this subsection, the liability of an issuer, nominated person, or adviser is governed by any rules of custom or practice, such as the Uniform Customs and Practice for Documentary Credits, to which the letter of credit, confirmation, or other undertaking is expressly made subject.

(b) The rules of custom and practice govern except to the extent of any conflict with the nonvariable provisions specified in 30-5-123(3) if:

(i) this chapter would govern the liability of an issuer, nominated person, or adviser under subsection (1) or (2);

(ii) the relevant undertaking incorporates rules of custom or practice; and

(iii) there is conflict between this chapter and those rules as applied to that undertaking.

~~(4)~~*(6)* If there is conflict between this chapter and chapter 3, 4, 4A, or 9A, this chapter governs.

~~(5)~~*(7)* The forum for settling disputes arising out of an undertaking within this chapter may be chosen in the manner and with the binding effect that governing law may be chosen in accordance with subsection (1)."

Section 38. Section 30-7-102, MCA, is amended to read:

"**30-7-102. Definitions and index of definitions.** (1) In this chapter, unless the context otherwise requires:

(a) "Bailee" means a person that by a warehouse receipt, bill of lading, or other document of title acknowledges possession of goods and contracts to deliver them.

(b) "Carrier" means a person that issues a bill of lading.

(c) "Consignee" means the person named in a bill of lading to which or to whose order the bill promises delivery.

(d) "Consignor" means the person named in a bill of lading as the person from which the goods have been received for shipment.

(e) "Delivery order" means a record that contains an order to deliver goods directed to a warehouse, carrier, or other person that in the ordinary course of business issues warehouse receipts or bills of lading.

(f) "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(g) "Goods" means all things that are treated as movable for the purposes of a contract for storage or transportation.

(h) "Issuer" means a bailee that issues a document of title or, in the case of an unaccepted delivery order, the person that orders the possessor of goods to deliver. The term includes a person for which an agent or employee purports to act in issuing a document if the agent or employee has real or apparent authority to issue documents, even if the issuer did not receive any goods, the goods were misdescribed, or in any other respect the agent or employee violated the issuer's instructions.

(i) "Person entitled under a document" means the holder, in the case of a negotiable document of title, or the person to which delivery of the goods is to be made by the terms of, or pursuant to instructions in a record under, a nonnegotiable document of title.

~~(j) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.~~

~~(k)~~*(j)* "Shipper" means a person that enters into a contract of transportation with a carrier.

~~(l) "Sign" means, with present intent to authenticate or adopt a record:~~

~~(i) to execute or adopt a tangible symbol; or~~

~~(ii) to attach to or logically associate with the record an electronic sound, symbol, or process.~~

~~(m)~~*(k)* "Warehouse" means a person engaged in the business of storing goods for hire.

(2) Definitions in other chapters applying to this chapter and the sections in which they appear are:

(a) "Contract for sale". 30-2-106.

(b) "Lessee in ordinary course". 30-2A-103.

(c) "Receipt" of goods. 30-2-103.

(3) In addition, chapter 1 contains general definitions and principles of construction and interpretation applicable throughout this chapter."

Section 39. Section 30-7-107, MCA, is amended to read:

"**30-7-107. Control of electronic document of title.** (1) A person has control of an electronic document of title if a system employed for evidencing the transfer of interests in the electronic document reliably establishes that person as the person to which the electronic document was issued or transferred.

(2) A system satisfies subsection (1), and a person ~~is considered to have~~ *has* control of an electronic document of title, if the document is created, stored, and ~~assigned~~ *transferred* in ~~such~~ a manner that:

(a) a single authoritative copy of the document exists which is unique, identifiable, and, except as otherwise provided in subsections (2)(d), (2)(e), and (2)(f), unalterable;

(b) the authoritative copy identifies the person asserting control as:

(i) the person to which the document was issued; or

(ii) if the authoritative copy indicates that the document has been transferred, the person to which the document was most recently transferred;

(c) the authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;

(d) copies or amendments that add or change an identified ~~assignee~~ *transferee* of the authoritative copy can be made only with the consent of the person asserting control;

(e) each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(f) any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.

(3) A system satisfies subsection (1), and a person has control of an electronic document of title, if an authoritative electronic copy of the document, a record attached to or logically associated with the electronic copy, or a system in which the electronic copy is recorded:

(a) enables the person readily to identify each electronic copy as either an authoritative copy or a nonauthoritative copy;

(b) enables the person readily to identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as the person to which each authoritative electronic copy was issued or transferred; and

(c) gives the person exclusive power, subject to subsection (4), to:

(i) prevent others from adding or changing the person to which each authoritative electronic copy has been issued or transferred; and

(ii) transfer control of each authoritative electronic copy.

(4) Subject to subsection (5), a power is exclusive under subsection (3)(c)(i) and (3)(c)(ii) even if:

(a) the authoritative electronic copy, a record attached to or logically associated with the authoritative electronic copy, or a system in which the authoritative electronic copy is recorded limits the use of the document of title or has a protocol that is programmed to cause a change, including a transfer or loss of control; or

(b) the power is shared with another person.

(5) A power of a person is not shared with another person under subsection (4)(b) and the person's power is not exclusive if:

(a) the person can exercise the power only if the power also is exercised by the other person; and

(b) the other person:

(i) can exercise the power without exercise of the power by the person; or

(ii) is the transferor to the person of an interest in the document of title.

(6) If a person has the powers specified in subsection (3)(c)(i) and (3)(c)(ii), the powers are presumed to be exclusive.

(7) A person has control of an electronic document of title if another person, other than the transferor to the person of an interest in the document:

(a) has control of the document and acknowledges that it has control on behalf of the person; or

(b) obtains control of the document after having acknowledged that it will obtain control of the document on behalf of the person.

(8) A person that has control under this section is not required to acknowledge that it has control on behalf of another person.

(9) If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or law other than chapter 9A or this chapter otherwise provides, the person does not owe any duty to the other person and is not required to confirm the acknowledgment to any other person."

Section 40. Section 30-8-112, MCA, is amended to read:

"**30-8-112. Definitions *and index of definitions.*** (1) In this chapter:

(a) "Adverse claim" means a claim that a claimant has a property interest in a financial asset and that it is a violation of the rights of the claimant for another person to hold, transfer, or deal with the financial asset.

(b) "Bearer form" as applied to a certificated security, means a form in which the security is payable to the bearer of the security certificate according to its terms but not by reason of an indorsement.

(c) "Broker" means a person defined as a broker or dealer under the federal securities laws, but without excluding a bank acting in that capacity.

(d) "Certificated security" means a security that is represented by a certificate.

(e) "Clearing corporation" means:

(i) a person that is registered as a "clearing agency" under the federal securities laws;

(ii) a federal reserve bank; or

(iii) any other person that provides clearance or settlement services with respect to financial assets that would require it to register as a clearing agency under the federal securities laws but for an exclusion or exemption from the registration requirement, if its activities as a clearing corporation, including promulgation of rules, are subject to regulation by a federal or state governmental authority.

(f) "Communicate" means to:

(i) send a signed ~~writing~~ *record*; or

(ii) transmit information by any mechanism agreed upon by the persons transmitting and receiving the information.

(g) "Entitlement holder" means a person identified in the records of a securities intermediary as the person having a security entitlement against the securities intermediary. If a person acquires a security entitlement by virtue of 30-8-501(2)(b) or (2)(c), that person is the entitlement holder.

(h) "Entitlement order" means a notification communicated to a securities intermediary directing transfer or redemption of a financial asset to which the entitlement holder has a security entitlement.

(i) (i) "Financial asset," except as otherwise provided in 30-8-113, means:

(A) a security;

(B) an obligation of a person or a share, participation, or other interest in a person or in property or an enterprise of a person, which is, or is of a type, dealt in or traded on financial markets, or which is recognized in any area in which it is issued or dealt in as a medium for investment; or

(C) any property that is held by a securities intermediary for another person in a securities account if the securities intermediary has expressly agreed with the other person that the property is to be treated as a financial asset under this chapter.

(ii) As context requires, the term means either the interest itself or the means by which a person's claim to it is evidenced, including a certificated or uncertificated security, a security certificate, or a security entitlement.

(j) "Good faith," for purposes of the obligation of good faith in the performance or enforcement of contracts or duties within this chapter, means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(k) "Indorsement" means a signature that alone or accompanied by other words is made on a security certificate in registered form or on a separate document for the purpose of assigning, transferring, or redeeming the security or granting a power to assign, transfer, or redeem it.

(l) "Instruction" means a notification communicated to the issuer of an uncertificated security which directs that the transfer of the security be registered or that the security be redeemed.

(m) "Registered form," as applied to a certificated security, means a form in which:

(i) the security certificate specifies a person entitled to the security; and

(ii) a transfer of the security may be registered upon books maintained for that purpose by or on behalf of the issuer, or the security certificate so states.

(n) "Securities intermediary" means:

(i) a clearing corporation; or

(ii) a person, including a bank or broker, that in the ordinary course of its business maintains securities accounts for others and is acting in that capacity.

(o) "Security," except as otherwise provided in 30-8-113, means an obligation of an issuer or a share, participation, or other interest in an issuer or in property or an enterprise of an issuer:

(i) which is represented by a security certificate in bearer or registered form, or the transfer of which may be registered upon books maintained for that purpose by or on behalf of the issuer;

(ii) which is one of a class or series or by its terms is divisible into a class or series of shares, participations, interests, or obligations; and

(iii) which:

(A) is, or is of a type, dealt in or traded on securities exchanges or securities markets; or

(B) is a medium for investment and by its terms expressly provides that it is a security governed by this chapter.

(p) "Security certificate" means a certificate representing a security.

(q) "Security entitlement" means the rights and property interest of an entitlement holder with respect to a financial asset specified in part 5 of this chapter.

(r) "Uncertificated security" means a security that is not represented by a certificate.

(2) ~~Other~~ *The following* definitions ~~applying to~~ *in* this chapter and ~~the sections in which they appear are~~ *other chapters apply to this chapter*:

"Appropriate person" 30-8-117

"Control" 30-8-116

"Controllable account" 30-9A-102

"Controllable electronic record" [section 95]

"Controllable payment intangible" 30-9A-102

"Delivery" 30-8-331

"Investment company security" 30-8-113

"Issuer" 30-8-211

"Overissue" 30-8-220

"Protected purchaser" 30-8-333

"Securities account" 30-8-501

(3) In addition, chapter 1 contains general definitions and principles of construction and interpretation applicable throughout this chapter.

(4) The characterization of a person, business, or transaction for purposes of this chapter does not determine the characterization of the person, business, or transaction for purposes of any other law, regulation, or rule."

Section 41. Section 30-8-113, MCA, is amended to read:

"**30-8-113. Rules for determining whether certain obligations and interests are securities or financial assets.** (1) A share or similar equity interest issued by a corporation, business trust, joint-stock company, or similar entity is a security.

(2) An "investment company security" is a security. "Investment company security" means a share or similar equity interest issued by an entity that is registered as an investment company under the federal investment company laws, an interest in a unit investment trust that is so registered, or a face-amount certificate issued by a face-amount certificate company that is so registered. Investment company security does not include an insurance policy or endowment policy or annuity contract issued by an insurance company.

(3) An interest in a partnership or limited liability company is not a security unless it is dealt in or traded on securities exchanges or in securities markets, its terms expressly provide that it is a security governed by this chapter, or it is an investment company security. However, an interest in a partnership or limited liability company is a financial asset if it is held in a securities account.

(4) A writing that is a security certificate is governed by this chapter and not by chapter 3, even though it also meets the requirements of that chapter. However, a negotiable instrument governed by chapter 3 is a financial asset if it is held in a securities account.

(5) An option or similar obligation issued by a clearing corporation to its participants is not a security, but is a financial asset.

(6) A commodity contract, as defined in 30-9A-102, is not a security or a financial asset.

(7) A document of title, as defined in 30-1-201~~(2)(q)~~*(2)(p)*, is not a financial asset unless 30-8-112~~(1)(i)(C)~~ *(1)(i)(i)(C)* applies.

(8) A controllable account, controllable electronic record, or controllable payment intangible is not a financial asset unless 30-8-112(1)(i)(i)(C) applies."

Section 42. Section 30-8-116, MCA, is amended to read:

"**30-8-116. Control.** (1) A purchaser has "control" of a certificated security in bearer form if the certificated security is delivered to the purchaser.

(2) A purchaser has "control" of a certificated security in registered form if the certificated security is delivered to the purchaser and:

(a) the certificate is indorsed to the purchaser or in blank by an effective indorsement; or

(b) the certificate is registered in the name of the purchaser, upon original issue or registration of transfer by the issuer.

(3) A purchaser has "control" of an uncertificated security if:

(a) the uncertificated security is delivered to the purchaser; or

(b) the issuer has agreed that it will comply with instructions originated by the purchaser without further consent by the registered owner.

(4) A purchaser has "control" of a security entitlement if:

(a) the purchaser becomes the entitlement holder;

(b) the securities intermediary has agreed that it will comply with entitlement orders originated by the purchaser without further consent by the entitlement holder; or

(c) ~~another person has control of the security entitlement on behalf of the purchaser or, having previously acquired control of the security entitlement, acknowledges that it has control on behalf of the purchaser~~ *another person, other than the transferor to the purchaser of an interest in the security entitlement:*

(i) has control of the security entitlement and acknowledges that it has control on behalf of the purchaser; or

(ii) obtains control of the security entitlement after having acknowledged that it will obtain control of the security entitlement on behalf of the purchaser.

(5) If an interest in a security entitlement is granted by the entitlement holder to the entitlement holder's own securities intermediary, the securities intermediary has control.

(6) A purchaser who has satisfied the requirements of subsection (3) or (4) has control even if the registered owner in the case of subsection (3) or the entitlement holder in the case of subsection (4) retains the right to make substitutions for the uncertificated security or security entitlement, to originate instructions or entitlement orders to the issuer or securities intermediary, or otherwise to deal with the uncertificated security or security entitlement.

(7) An issuer or a securities intermediary may not enter into an agreement of the kind described in subsection (3)(b) or (4)(b) without the consent of the registered owner or entitlement holder, but an issuer or a securities intermediary is not required to enter into such an agreement even though the registered owner or entitlement holder so directs. An issuer or securities intermediary that has entered into such an agreement is not required to confirm the existence of the agreement to another party unless requested to do so by the registered owner or entitlement holder.

(8) A person that has control under this section is not required to acknowledge that it has control on behalf of a purchaser.

(9) If a person acknowledges that it has or will obtain control on behalf of a purchaser, unless the person otherwise agrees or law other than chapter 9A or this chapter otherwise provides, the person does not owe any duty to the purchaser and is not required to confirm the acknowledgment to any other person."

Section 43. Section 30-8-120, MCA, is amended to read:

"**30-8-120. Applicability -- choice of law.** (1) The local law of the issuer's jurisdiction, as specified in subsection (4), governs:

(a) the validity of a security;

(b) the rights and duties of the issuer with respect to registration of transfer;

(c) the effectiveness of registration of transfer by the issuer;

(d) whether the issuer owes any duties to an adverse claimant to a security; and

(e) whether an adverse claim can be asserted against a person to whom transfer of a certificated or uncertificated security is registered or a person who obtains control of an uncertificated security.

(2) The local law of the securities intermediary's jurisdiction, as specified in subsection (5), governs:

(a) acquisition of a security entitlement from the securities intermediary;

(b) the rights and duties of the securities intermediary and entitlement holder arising out of a security entitlement;

(c) whether the securities intermediary owes any duties to an adverse claimant to a security entitlement; and

(d) whether an adverse claim can be asserted against a person who acquires a security entitlement from the securities intermediary or a person who purchases a security entitlement or interest therein from an entitlement holder.

(3) The local law of the jurisdiction in which a security certificate is located at the time of delivery governs whether an adverse claim can be asserted against a person to whom the security certificate is delivered.

(4) "Issuer's jurisdiction" means the jurisdiction under which the issuer of the security is organized or, if permitted by the law of that jurisdiction, the law of another jurisdiction specified by the issuer. An issuer organized under the law of this state may specify the law of another jurisdiction as the law governing the matters specified in subsections (1)(b) through (1)(e).

(5) The following rules determine a "securities intermediary's jurisdiction" for purposes of this section:

(a) If an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that a particular jurisdiction is the security intermediary's jurisdiction for the purposes of this part, this chapter, ~~or~~ chapters 1 through 9A*, and [sections 94 through 109]* of this title, that jurisdiction is the securities intermediary's jurisdiction.

(b) If subsection (5)(a) does not apply and an agreement between the securities intermediary and its entitlement holder expressly provides that the agreement is governed by the law of a particular jurisdiction, that jurisdiction is the securities intermediary's jurisdiction.

(c) If neither subsection (5)(a) nor (5)(b) applies and an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that the securities account is maintained at an office in a particular jurisdiction, that jurisdiction is the securities intermediary's jurisdiction.

(d) If subsection (5)(a), (5)(b), or (5)(c) does not apply, the securities intermediary's jurisdiction is the jurisdiction in which the office identified in an account statement as the office serving the entitlement holder's account is located.

(e) If subsection (5)(a), (5)(b), (5)(c), or (5)(d) does not apply, the securities intermediary's jurisdiction is the jurisdiction in which the chief executive office of the securities intermediary is located.

(6) A securities intermediary's jurisdiction is not determined by the physical location of certificates representing financial assets, or by the jurisdiction in

which is organized the issuer of the financial asset with respect to which an entitlement holder has a security entitlement, or by the location of facilities for data processing or other recordkeeping concerning the account.

(7) The local law of the issuer's jurisdiction or the securities intermediary's jurisdiction governs a matter or transaction specified in subsection (1) or (2) even if the matter or transaction does not bear any relation to the jurisdiction."

Section 44. Section 30-8-333, MCA, is amended to read:

"**30-8-333. Protected purchaser.** (1) "Protected purchaser" means a purchaser of a certificated or uncertificated security, or of an interest therein, who:

(a) gives value;

(b) does not have notice of any adverse claim to the security; and

(c) obtains control of the certificated or uncertificated security.

(2) ~~In addition to acquiring the rights of a purchaser, a~~ *A* protected purchaser also acquires its interest in the security free of any adverse claim."

Section 45. Section 30-9A-102, MCA, is amended to read:

"**30-9A-102. Definitions and index of definitions.** (1) As used in this chapter, the following definitions apply:

(a) "Accession" means goods that are physically united with other goods in such a manner that the identity of the original goods is not lost.

(b) (i) "Account", except as used in "account for", *"account statement", "account to", "commodity account" in subsection (1)(o), "customer's account", "deposit account" in subsection (1)(ff), "on account of", and "statement of account",* means a right to payment of a monetary obligation, whether or not earned by performance:

(A) for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of;

(B) for services rendered or to be rendered;

(C) for a policy of insurance issued or to be issued;

(D) for a secondary obligation incurred or to be incurred;

(E) for energy provided or to be provided;

(F) for the use or hire of a vessel under a charter or other contract;

(G) arising out of the use of a credit or charge card or information contained on or for use with the card; or

(H) as winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or governmental unit of a state.

(ii) The term includes *a controllable account and* a health-care-insurance receivable.

(iii) The term does not include:

(A) ~~a right to payment evidenced by chattel paper or an instrument~~ *chattel paper*;

(B) a commercial tort claim;

(C) a deposit account;

(D) investment property;

(E) a letter-of-credit right; ~~or~~

(F) a right to payment for money or funds advanced or sold, other than a right arising out of the use of a credit or charge card or information contained on or for use with the card*; or*

(G) rights to payment evidenced by an instrument.

(c) "Account debtor" means a person obligated on an account, chattel paper, or general intangible. The term does not include a person obligated to pay a negotiable instrument, even if the *negotiable* instrument ~~constitutes part of~~ *evidences* chattel paper.

(d) "Accounting", except as used in "accounting for", means a record:

(i) ~~authenticated~~ *signed* by a secured party;

(ii) indicating the aggregate unpaid secured obligations as of a date not more than 35 days earlier or 35 days later than the date of the record; and

(iii) identifying the components of the obligations in reasonable detail.

(e) "Agricultural lien" means an interest, other than a security interest, in farm products:

(i) that secures payment or performance of an obligation for:

(A) goods or services furnished in connection with a debtor's farming operation; or

(B) rent on real property leased by a debtor in connection with its farming operation;

(ii) that is created by statute in favor of a person that:

(A) in the ordinary course of its business furnished goods or services to a debtor in connection with a debtor's farming operation; or

(B) leased real property to a debtor in connection with the debtor's farming operation; and

(iii) whose effectiveness does not depend on the person's possession of the personal property.

(f) "As-extracted collateral" means:

(i) oil, gas, or other minerals that are subject to a security interest that:

(A) is created by a debtor having an interest in the minerals before extraction; and

(B) attaches to the minerals as extracted; or

(ii) accounts arising out of the sale at the wellhead or minehead of oil, gas, or other minerals in which the debtor had an interest before extraction.

~~(g) "Authenticate" means:~~

~~(i) to sign; or~~

~~(ii) with present intent to adopt or accept a record, to attach to or logically associate with the record an electronic sound, symbol, or process.~~

(g) (i) "Assignee", except as used in "assignee for benefit of creditors", means a person:

(A) in whose favor a security interest that secures an obligation is created or provided for under a security agreement, whether or not the obligation is outstanding; or

(B) to which an account, chattel paper, payment intangible, or promissory note has been sold.

(ii) The term includes a person to which a security interest has been transferred by a secured party.

(h) (i) "Assignor" means a person that:

(A) under a security agreement creates or provides for a security interest that secures an obligation; or

(B) sells an account, chattel paper, payment intangible, or promissory note.

(ii) The term includes a secured party that has transferred a security interest to another person.

~~(h)~~*(i)* "Bank" means an organization that is engaged in the business of banking. The term includes a savings bank, savings and loan association, credit union, and trust company.

~~(i)~~*(j)* "Cash proceeds" means proceeds that are money, checks, deposit accounts, or the like.

~~(j)~~*(k)* "Certificate of title" means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral. The term

includes another record maintained as an alternative to a certificate of title by the governmental unit that issues certificates of title if a statute permits the security interest in question to be indicated on the record as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral.

~~(k)~~*(l)* (i) "Chattel paper" means*:* ~~a record or records that evidence both a monetary obligation and a security interest in specific goods, a security interest in specific goods and software used in the goods, a security interest in specific goods and license of software used in the goods, a lease of specific goods, or a lease of specific goods and license of software used in the goods. In this subsection (1)(k)(i), "monetary obligation" means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods.~~

~~(ii) (A) The term does not include:~~

~~(I) charters or other contracts involving the use or hire of a vessel; or~~

~~(II) records that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card.~~

~~(B) If a transaction is evidenced by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper.~~

(A) a right to payment of a monetary obligation secured by specific goods, if the right to payment and security agreement are evidenced by a record; or

(B) a right to payment of a monetary obligation owed by a lessee under a lease agreement with respect to specific goods and a monetary obligation owed by the lessee in connection with the transaction giving rise to the lease, if:

(I) the right to payment and lease agreement are evidenced by a record; and

(II) the predominant purpose of the transaction giving rise to the lease was to give the lessee the right to possession and use of the goods.

(ii) The term does not include a right to payment arising out of a charter or other contract involving the use or hire of a vessel or a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card.

~~(l)~~*(m)* "Collateral" means the property subject to a security interest or agricultural lien. The term includes:

(i) proceeds to which a security interest attaches under 30-9A-315;

(ii) accounts, chattel paper, payment intangibles, and promissory notes that have been sold; and

(iii) goods that are the subject of a consignment.

~~(m)~~*(n)* "Commercial tort claim" means a claim arising in tort if:

(i) the claimant is an organization; or

(ii) the claimant is an individual and the claim:

(A) arose in the course of the claimant's business or profession; and

(B) does not include damages arising out of personal injury to or the death of an individual.

~~(n)~~*(o)* "Commodity account" means an account maintained by a commodity intermediary in which a commodity contract is carried for a commodity customer.

~~(o)~~*(p)* "Commodity contract" means a commodity futures contract, an option on a commodity futures contract, a commodity option, or another contract if the contract or option is:

(i) traded on or subject to the rules of a board of trade that has been designated as a contract market for such a contract pursuant to federal commodities laws; or

(ii) traded on a foreign commodity board of trade, exchange, or market and is carried on the books of a commodity intermediary for a commodity customer.

~~(p)~~*(q)* "Commodity customer" means a person for which a commodity intermediary carries a commodity contract on its books.

~~(q)~~*(r)* "Commodity intermediary" means a person that:

(i) is registered as a futures commission merchant under federal commodities law; or

(ii) in the ordinary course of its business provides clearance or settlement services for a board of trade that has been designated as a contract market pursuant to federal commodities law.

~~(r)~~*(s)* "Communicate" means:

(i) to send a written or other tangible record;

(ii) to transmit a record by any means agreed upon by the persons sending and receiving the record; or

(iii) in the case of transmission of a record to or by a filing office, to transmit a record by any means prescribed by filing-office rule.

~~(s)~~*(t)* "Consignee" means a merchant to which goods are delivered in a consignment.

~~(t)~~*(u)* "Consignment" means a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and:

(i) the merchant:

(A) deals in goods of that kind under a name other than the name of the person making delivery;

(B) is not an auctioneer; and

(C) is not generally known by its creditors to be substantially engaged in selling the goods of others;

(ii) with respect to each delivery, the aggregate value of the goods is $1,000 or more at the time of delivery;

(iii) the goods are not consumer goods immediately before delivery; and

(iv) the transaction does not create a security interest that secures an obligation.

~~(u)~~*(v)* "Consignor" means a person that delivers goods to a consignee in a consignment.

~~(v)~~*(w)* "Consumer debtor" means a debtor in a consumer transaction.

~~(w)~~*(x)* "Consumer goods" means goods that are used or bought for use primarily for personal, family, or household purposes.

~~(x)~~*(y)* "Consumer-goods transaction" means a transaction to the extent that:

(i) an individual incurs an obligation primarily for personal, family, or household purposes; and

(ii) a security interest in consumer goods or in consumer goods and software that is used, licensed, or bought for use primarily for personal, family, or household purposes secures the obligation.

~~(y)~~*(z)* "Consumer obligor" means an obligor who is an individual and who incurred the obligation as part of a transaction entered into primarily for personal, family, or household purposes.

~~(z)~~*(aa)* "Consumer transaction" means a transaction to the extent that:

(i) an individual incurs an obligation primarily for personal, family, or household purposes;

(ii) a security interest secures the obligation; and

(iii) the collateral is held or acquired primarily for personal, family, or household purposes. The term includes a consumer-goods transaction.

~~(aa)~~*(bb)* "Continuation statement" means an amendment of a financing statement that:

(i) identifies, by its file number, the initial financing statement to which it relates; and

(ii) indicates that it is a continuation statement for, or that it is filed to continue the effectiveness of, the identified financing statement.

(cc) "Controllable account" means an account evidenced by a controllable electronic record that provides that the account debtor undertakes to pay the person that has control under [section 98] of the controllable electronic record.

(dd) "Controllable payment intangible" means a payment intangible evidenced by a controllable electronic record that provides that the account debtor undertakes to pay the person that has control under [section 98] of the controllable electronic record.

~~(bb)~~*(ee)* "Debtor" means:

(i) a person having a property interest, other than a security interest or other lien, in the collateral, whether or not the person is an obligor;

(ii) a seller of accounts, chattel paper, payment intangibles, or promissory notes; or

(iii) a consignee.

~~(cc)~~*(ff)* "Deposit account" means a demand, time, savings, passbook, or similar account maintained with a bank. The term does not include investment property or an account evidenced by an instrument.

~~(dd)~~*(gg)* "Document" means a document of title or a receipt of the type described in 30-7-201(2).

~~(ee) "Electronic chattel paper" means chattel paper evidenced by a record or records consisting of information stored in an electronic medium.~~

~~(ff)~~*(hh)* "Encumbrance" means a right, other than an ownership interest, in real property. The term includes a mortgage and other lien on real property.

~~(gg)~~*(ii)* "Equipment" means goods other than inventory, farm products, or consumer goods.

~~(hh)~~*(jj)* "Farm products" means goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and that are:

(i) crops grown, growing, or to be grown, including:

(A) crops produced on trees, vines, and bushes; and

(B) aquatic goods produced in aquacultural operations;

(ii) livestock, born or unborn, including aquatic goods produced in aquacultural operations;

(iii) supplies used or produced in a farming operation; or

(iv) products of crops or livestock in their unmanufactured states.

~~(ii)~~*(kk)* "Farming operation" means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, or aquacultural operation.

~~(jj)~~*(ll)* "File number" means the number assigned to an initial financing statement pursuant to 30-9A-519(1).

~~(kk)~~*(mm)* "Filing office" means an office designated in 30-9A-501 as the place to file a financing statement.

~~(ll)~~*(nn)* "Filing-office rule" means a rule adopted pursuant to 30-9A-526.

~~(mm)~~*(oo)* "Financing statement" means a record or records composed of an initial financing statement and any filed record relating to the initial financing statement.

~~(nn)~~*(pp)* "Fixture filing" means the filing of a financing statement covering goods that are or are to become fixtures and satisfying the requirements of 30-9A-502(1) and (2). The term includes the filing of a financing statement covering goods of a transmitting utility that are or are to become fixtures.

~~(oo)~~*(qq)* "Fixtures" means goods that have become so related to particular real property that an interest in them arises under real property law.

~~(pp)~~*(rr)* "General intangible" means any personal property, including things in action, other than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods, instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas, or other minerals before extraction. The term includes ~~a payment intangible and software~~ *controllable electronic records, payment intangibles, and software*.

~~(qq)~~*(ss)* "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

~~(rr)~~*(tt)* (i) "Goods" means all things that are movable when a security interest attaches. The term includes:

(A) fixtures;

(B) standing timber that is to be cut and removed under a conveyance or contract for sale;

(C) the unborn young of animals;

(D) crops grown, growing, or to be grown, even if the crops are produced on trees, vines, or bushes; and

(E) manufactured homes.

(ii) The term also includes a computer program structurally integrated with goods, any informational content included in the program, and any supporting information provided in connection with a transaction relating to the program or informational content if:

(A) the program is associated with the goods in such a manner that it customarily is considered part of the goods; or

(B) by becoming the owner of the goods, a person would acquire a right to use the program in connection with the goods.

(iii) The term does not include a program integrated with goods that consist solely of the medium with which the program is integrated. The term also does not include accounts, chattel paper, commercial tort claims, deposit accounts, documents, general intangibles, instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas, or other minerals before extraction.

~~(ss)~~*(uu)* "Governmental unit" means a subdivision, agency, department, county, parish, municipality, or other unit of the government of the United States, a state, or a foreign country. The term includes an organization with a separate corporate existence only if the organization is eligible to issue debt obligations on which interest is exempt from income taxation under the laws of the United States.

~~(tt)~~*(vv)* "Health-care-insurance receivable" means an interest in or claim under a policy of insurance that is a right to payment of a monetary obligation for health care goods or services provided.

~~(uu)~~*(ww)* (i) "Instrument" means:

(A) a negotiable instrument; or

(B) any other writing that evidences a right to the payment of a monetary obligation, is not itself a security agreement or lease, and is of a type that in the ordinary course of business is transferred by delivery with any necessary indorsement or assignment.

(ii) The term does not include:

(A) investment property;

(B) a letter of credit; ~~or~~

(C) a writing that evidences a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card*; or*

(D) a writing that evidences chattel paper.

~~(vv)~~*(xx)* "Inventory" means goods, other than farm products, that:

(i) are leased by a person as lessor;

(ii) are held by a person for sale or lease or to be furnished under contracts of service;

(iii) are furnished by a person under a contract of service; or

(iv) consist of raw materials, work in process, or materials used or consumed in a business.

~~(ww)~~*(yy)* "Investment property" means a security, whether certificated or uncertificated, security entitlement, securities account, commodity contract, or commodity account.

~~(xx)~~*(zz)* "Jurisdiction of organization", with respect to a registered organization, means the jurisdiction under whose law the organization is formed or organized.

~~(yy)~~*(aaa)* (i) "Letter-of-credit right" means a right to payment and performance under a letter of credit, whether or not the beneficiary has demanded or is at the time entitled to demand payment or performance.

(ii) The term does not include the right of a beneficiary to demand payment or performance under a letter of credit.

~~(zz)~~*(bbb)* "Lien creditor" means:

(i) a creditor that has acquired a lien on the property involved by attachment, levy, or the like;

(ii) an assignee for benefit of creditors from the time of assignment;

(iii) a trustee in bankruptcy from the date of the filing of the petition; and

(iv) a receiver in equity from the time of appointment.

~~(aaa)~~*(ccc)* "Manufactured home" means a structure, transportable in one or more sections, that in the traveling mode is 8 body feet or more in width or 40 body feet or more in length or that when erected on site is 320 or more square feet and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States secretary of housing and urban development and complies with the standards established under Title 42 of the United States Code.

~~(bbb)~~*(ddd)* "Manufactured-home transaction" means a secured transaction:

(i) that creates a purchase-money security interest in a manufactured home, other than a manufactured home held as inventory; or

(ii) in which a manufactured home, other than a manufactured home held as inventory, is the primary collateral.

(eee) "Money" has the meaning in 30-1-201(2)(y)*, but does not include a deposit account.*

~~(ccc)~~*(fff)* "Mortgage" means a consensual interest in real property, including fixtures, that is created by a mortgage, trust deed, or similar transaction.

~~(ddd)~~*(ggg)* "New debtor" means a person that becomes bound as debtor under 30-9A-203(4) by a security agreement previously entered into by another person.

~~(eee)~~*(hhh)* (i) "New value" means:

(A) money;

(B) money's worth in property, services, or new credit; or

(C) release by a transferee of an interest in property previously transferred to the transferee.

(ii) The term does not include an obligation substituted for another obligation.

~~(fff)~~*(iii)* "Noncash proceeds" means proceeds other than cash proceeds.

~~(ggg)~~*(jjj)* (i) "Obligor" means a person that, with respect to an obligation secured by a security interest in or an agricultural lien on the collateral:

(A) owes payment or other performance of the obligation;

(B) has provided property other than the collateral to secure payment or other performance of the obligation; or

(C) is otherwise accountable in whole or in part for payment or other performance of the obligation.

(ii) The term does not include an issuer or a nominated person under a letter of credit.

~~(hhh)~~*(kkk)* "Original debtor", except as used in 30-9A-310(3), means a person that, as debtor, entered into a security agreement to which a new debtor has become bound under 30-9A-203(4).

~~(iii)~~*(lll) (i)* "Payment intangible" means a general intangible under which the account debtor's principal obligation is a monetary obligation.

(ii) The term includes a controllable payment intangible.

~~(jjj)~~*(mmm)* "Person related to", with respect to an individual, means:

(i) the spouse of the individual;

(ii) a brother, brother-in-law, sister, or sister-in-law of the individual;

(iii) an ancestor or lineal descendant of the individual or the individual's spouse; and

(iv) any other relative, by blood or marriage, of the individual or the individual's spouse who shares the same home with the individual.

~~(kkk)~~*(nnn)* "Person related to", with respect to an organization, means:

(i) a person directly or indirectly controlling, controlled by, or under common control with the organization;

(ii) an officer or director of, or a person performing similar functions with respect to, the organization;

(iii) an officer or director of, or a person performing similar functions with respect to, a person described in subsection ~~(1)(kkk)(i)~~ *(1)(nnn)(i)*;

(iv) the spouse of an individual described in subsection ~~(1)(kkk)(i), (1)(kkk)(ii), or (1)(kkk)(iii)~~ *(1)(nnn)(i), (1)(nnn)(ii), or (1)(nnn)(iii)*; or

(v) an individual who is related by blood or marriage to an individual described in ~~subsections~~ *subsection* ~~(1)(kkk)(i), (1)(kkk)(ii), (1)(kkk)(iii), or (1)(kkk)(iv)~~ *(1)(nnn)(i), (1)(nnn)(ii), (1)(nnn)(iii), or (1)(nnn)(iv)* and shares the same home with the individual.

~~(lll)~~*(ooo)* "Proceeds", except as used in 30-9A-609(2), means the following property:

(i) whatever is acquired upon the sale, lease, license, exchange, or other disposition of collateral;

(ii) whatever is collected on, or distributed on account of, collateral;

(iii) rights arising out of collateral;

(iv) to the extent of the value of collateral, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to the collateral; and

(v) to the extent of the value of collateral and to the extent payable to the debtor or the secured party, insurance payable by reason of the loss or nonconformity of, defects in, or damage to the collateral.

~~(mmm)~~*(ppp)* "Promissory note" means an instrument that:

(i) evidences a promise to pay a monetary obligation;

(ii) does not evidence an order to pay; and

(iii) does not contain an acknowledgment by a bank that the bank has received for deposit a sum of money or funds.

~~(nnn)~~*(qqq)* "Proposal" means a record ~~authenticated~~ *signed* by a secured party and including the terms on which the secured party is willing to accept

collateral in full or partial satisfaction of the obligation it secures pursuant to 30-9A-620 through 30-9A-622.

~~(ooo)~~*(rrr)* "Public-finance transaction" means a secured transaction in connection with which:

(i) bonds, debentures, certificates of participation, or similar debt securities are issued;

(ii) all or a portion of the securities issued have an initial stated maturity of at least 20 years; and

(iii) the debtor, the obligor, the secured party, the account debtor or other person obligated on collateral, the assignor or assignee of a secured obligation, or the assignor or assignee of a security interest is a state or a governmental unit of a state.

~~(ppp)~~*(sss)* "Public organic record" means a record that is available to the public for inspection and is:

(i) a record consisting of the record initially filed with or issued by a state or the United States to form or organize an organization and any record filed with or issued by the state or the United States which amends or restates the initial record;

(ii) an organic record of a business trust consisting of the record initially filed with a state and any record filed with the state which amends or restates the initial record, if a statute of the state governing business trusts requires that the record be filed with the state; or

(iii) a record consisting of legislation enacted by the legislature of a state or the congress of the United States which forms or organizes an organization, any record amending the legislation, and any record filed with or issued by the state or the United States which amends or restates the name of the organization.

~~(qqq)~~*(ttt)* "Pursuant to commitment", with respect to an advance made or other value given by a secured party, means pursuant to the secured party's obligation, whether or not a subsequent event of default or other event not within the secured party's control has relieved or may relieve the secured party from its obligation.

~~(rrr)~~*(uuu)* "Record", except as used in "for record", "of record", "record or legal title", and "record owner", means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

~~(sss)~~*(vvv)* "Registered organization" means an organization formed or organized solely under the law of one state or the United States by the filing of a public organic record with, the issuance of a public organic record by, or the enactment of legislation by the state or the United States. The term includes a business trust that is formed or organized under the law of a single state if a statute of the state governing business trusts requires that the business trust's organic record be filed with the state.

~~(ttt)~~*(www)* "Secondary obligor" means an obligor to the extent that:

(i) the obligor's obligation is secondary; or

(ii) the obligor has a right of recourse with respect to an obligation secured by collateral against the debtor, another obligor, or property of either.

~~(uuu)~~*(xxx)* "Secured party" means:

(i) a person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;

(ii) a person that holds an agricultural lien;

(iii) a consignor;

(iv) a person to which accounts, chattel paper, payment intangibles, or promissory notes have been sold;

(v) a trustee, indenture trustee, agent, collateral agent, or other representative in whose favor a security interest or agricultural lien is created or provided for; or

(vi) a person that holds a security interest arising under 30-2-401, 30-2-505, 30-2-711(3), 30-2A-508(5), 30-4-208, or 30-5-118.

~~(vvv)~~*(yyy)* "Security agreement" means an agreement that creates or provides for a security interest.

~~(www) "Send", in connection with a record or notification, means to:~~

~~(i) deposit in the mail, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or~~

~~(ii) cause the record or notification to be received within the time that it would have been received if properly sent under subsection (1)(www)(i).~~

~~(xxx)~~*(zzz)* (i) "Software" means a computer program, any informational content included in the program, and any supporting information provided in connection with a transaction relating to the computer program or informational content.

(ii) The term does not include a computer program that is contained in goods unless the goods are a computer or computer peripheral.

~~(yyy)~~*(aaaa)* "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

~~(zzz)~~*(bbbb)* "Supporting obligation" means a letter-of-credit right or secondary obligation that supports the payment or performance of an account, chattel paper, document, general intangible, instrument, or investment property.

~~(aaaa) "Tangible chattel paper" means chattel paper evidenced by a record or records consisting of information that is inscribed on a tangible medium.~~

~~(bbbb)~~*(cccc)* "Termination statement" means an amendment of a financing statement that:

(i) identifies, by its file number, the initial financing statement to which it relates; and

(ii) indicates either that it is a termination statement or that the identified financing statement is no longer effective.

~~(cccc)~~*(dddd)* "Transmitting utility" means a person primarily engaged in the business of:

(i) operating a railroad, subway, street railway, or trolley bus;

(ii) transmitting electric or electronic communications;

(iii) transmitting goods by pipeline or sewer; or

(iv) transmitting or producing and transmitting electricity, steam, gas, or water.

(2) The following definitions in other chapters apply to this chapter:

"Applicant" 30-5-122.

"Beneficiary" 30-5-122.

"Broker" 30-8-112.

"Certificated security" 30-8-112.

"Check" 30-3-104.

"Clearing corporation" 30-8-112.

"Contract for sale" 30-2-106.

"Control" (with respect to a document of title) 30-7-107.

"Controllable electronic record" [section 95].

"Customer" 30-4-104.

"Entitlement holder" 30-8-112.
"Financial asset" 30-8-112.
"Holder in due course" 30-3-302.
"Issuer" (with respect to a letter of credit or letter-of-credit right) 30-5-122.
"Issuer" (with respect to a security) 30-8-211.
"Lease" 30-2A-103.
"Lease agreement" 30-2A-103.
"Lease contract" 30-2A-103.
"Leasehold interest" 30-2A-103.
"Lessee" 30-2A-103.
"Lessee in ordinary course of business" 30-2A-103.
"Lessor" 30-2A-103.
"Lessor's residual interest" 30-2A-103.
"Letter of credit" 30-5-122.
"Merchant" 30-2-104.
"Negotiable instrument" 30-3-104.
"Nominated person" 30-5-122.
"Note" 30-3-104.
"Proceeds of a letter of credit" 30-5-134.
"Protected purchaser" 30-8-333.
"Prove" 30-3-102.
"Qualifying purchaser" [section 95].
"Sale" 30-2-106.
"Securities account" 30-8-501.
"Securities intermediary" 30-8-112.
"Security" 30-8-112.
"Security certificate" 30-8-112.
"Security entitlement" 30-8-112.
"Uncertificated security" 30-8-112.

(3) Chapter 1 contains general definitions and principles of construction and interpretation applicable throughout this chapter."

Section 46. Section 30-9A-104, MCA, is amended to read:

"**30-9A-104. Control of deposit account.** (1) A secured party has control of a deposit account if:

(a) the secured party is the bank with which the deposit account is maintained;

(b) the debtor, secured party, and bank have agreed in ~~an authenticated~~ *a signed* record that the bank will comply with instructions originated by the secured party directing disposition of the funds in the deposit account without further consent by the debtor; ~~or~~

(c) the secured party becomes the bank's customer with respect to the deposit account*; or*

(d) another person, other than the debtor:

(i) has control of the deposit account and acknowledges that it has control on behalf of the secured party; or

(ii) obtains control of the deposit account after having acknowledged that it will obtain control of the deposit account on behalf of the secured party.

(2) A secured party that has satisfied the requirements of subsection (1) has control, even if the debtor retains the right to direct the disposition of funds from the deposit account."

Section 47. Section 30-9A-105, MCA, is amended to read:

"**30-9A-105. Control of electronic *copy of record evidencing* chattel paper.** (1) A ~~secured party~~ *purchaser* has control of ~~electronic chattel paper~~ *an authoritative electronic copy of a record evidencing chattel paper* if a system

employed for evidencing the ~~transfer~~ *assignment* of interests in the chattel paper reliably establishes the *purchaser* ~~secured party~~ as the person to which the *authoritative electronic copy* ~~chattel paper~~ was assigned.

~~(2) A system satisfies subsection (1) if the record or records comprising the chattel paper are created, stored, and assigned in such a manner that:~~

~~(a) a single authoritative copy of the record or records exists that is unique, identifiable, and except as otherwise provided in subsections (2)(d), (2)(e), and (2)(f), unalterable;~~

~~(b) the authoritative copy identifies the secured party as the assignee of the record or records;~~

~~(c) the authoritative copy is communicated to and maintained by the secured party or its designated custodian;~~

~~(d) copies or amendments that add or change an identified assignee of the authoritative copy can be made only with the consent of the secured party;~~

~~(e) each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and~~

~~(f) any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.~~

(2) A system satisfies subsection (1) if the record or records evidencing the chattel paper are created, stored, and assigned in a manner that:

(a) a single authoritative copy of the record or records exists which is unique, identifiable, and, except as otherwise provided in subsections (2)(d), (2)(e), and (2)(f), unalterable;

(b) the authoritative copy identifies the purchaser as the assignee of the record or records;

(c) the authoritative copy is communicated to and maintained by the purchaser or its designated custodian;

(d) copies or amendments that add or change an identified assignee of the authoritative copy can be made only with the consent of the purchaser;

(e) each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(f) any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.

(3) A system satisfies subsection (1), and a purchaser has control of an authoritative electronic copy of a record evidencing chattel paper, if the electronic copy, a record attached to or logically associated with the electronic copy, or a system in which the electronic copy is recorded:

(a) enables the purchaser readily to identify each electronic copy as either an authoritative copy or a nonauthoritative copy;

(b) enables the purchaser readily to identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as the assignee of the authoritative electronic copy; and

(c) gives the purchaser exclusive power, subject to subsection (4), to:

(i) prevent others from adding or changing an identified assignee of the authoritative electronic copy; and

(ii) transfer control of the authoritative electronic copy.

(4) Subject to subsection (5), a power is exclusive under subsections (3)(c)(i) and (3)(c)(ii) even if:

(a) the authoritative electronic copy, a record attached to or logically associated with the authoritative electronic copy, or a system in which the authoritative electronic copy is recorded limits the use of the authoritative electronic copy or has a protocol programmed to cause a change, including a transfer or loss of control; or

(b) the power is shared with another person.

(5) A power of a purchaser is not shared with another person under subsection (4)(b) and the purchaser's power is not exclusive if:

(a) the purchaser can exercise the power only if the power also is exercised by the other person; and

(b) the other person:

(i) can exercise the power without exercise of the power by the purchaser; or

(ii) is the transferor to the purchaser of an interest in the chattel paper.

(6) If a purchaser has the powers specified in subsections (3)(c)(i) and (3)(c)(ii), the powers are presumed to be exclusive.

(7) A purchaser has control of an authoritative electronic copy of a record evidencing chattel paper if another person, other than the transferor to the purchaser of an interest in the chattel paper:

(a) has control of the authoritative electronic copy and acknowledges that it has control on behalf of the purchaser; or

(b) obtains control of the authoritative electronic copy after having acknowledged that it will obtain control of the electronic copy on behalf of the purchaser."

Section 48. Control of controllable electronic record, controllable account, or controllable payment intangible. (1) A secured party has control of a controllable electronic record as provided in [section 98].

(2) A secured party has control of a controllable account or controllable payment intangible if the secured party has control of the controllable electronic record that evidences the controllable account or controllable payment intangible.

Section 49. No requirement to acknowledge or confirm -- no duties. (1) A person that has control under 30-9A-104 or 30-9A-105 is not required to acknowledge that it has control on behalf of another person.

(2) If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or law other than this chapter otherwise provides, the person does not owe any duty to the other person and is not required to confirm the acknowledgment to any other person.

Section 50. Section 30-9A-203, MCA, is amended to read:

"**30-9A-203. Attachment and enforcement of security interest -- proceeds -- supporting obligations -- formal requisites.** (1) A security interest attaches to collateral when it becomes enforceable against the debtor with respect to the collateral, unless an agreement expressly postpones the time of attachment.

(2) Except as otherwise provided in subsections (3) through (9), a security interest is enforceable against the debtor and third parties with respect to the collateral only if:

(a) value has been given;

(b) the debtor has rights in the collateral or the power to transfer rights in the collateral to a secured party; and

(c) one of the following conditions is met:

(i) the debtor has ~~authenticated~~ *signed* a security agreement that provides a description of the collateral and, if the security interest covers timber to be cut, a description of the land concerned;

(ii) the collateral is not a certificated security and is in the possession of the secured party under 30-9A-313 pursuant to the debtor's security agreement;

(iii) the collateral is a certificated security in registered form and the security certificate has been delivered to the secured party under 30-8-331 pursuant to the debtor's security agreement; ~~or~~

(iv) the collateral is *controllable accounts, controllable electronic records, controllable payment intangibles,* ~~a deposit account, electronic chattel paper,~~

deposit accounts, electronic documents, investment property, ~~a~~ *or* letter-of-credit ~~right~~ *rights*, ~~or electronic document~~ and the secured party has control under 30-7-107, 30-9A-104, ~~30-9A-105~~, 30-9A-106, ~~or~~ 30-9A-107*, or [section 48]* pursuant to the debtor's security agreement*; or*

(v) the collateral is chattel paper and the secured party has possession and control under [section 66] pursuant to the debtor's security agreement.

(3) Subsection (2) is subject to 30-4-208 on the security interest of a collecting bank, 30-5-118 on the security interest of a letter-of-credit issuer or nominated person, 30-9A-110 on a security interest arising under chapter 2 or 2A, and 30-9A-206 on security interests in investment property.

(4) A person becomes bound as debtor by a security agreement entered into by another person if, by operation of law other than this chapter or by contract:

(a) the security agreement becomes effective to create a security interest in the person's property; or

(b) the person becomes generally obligated for the obligations of the other person, including the obligation secured under the security agreement, and acquires or succeeds to all or substantially all of the assets of the other person.

(5) If a new debtor becomes bound as debtor by a security agreement entered into by another person:

(a) the agreement satisfies the requirements of subsection (2)(c) with respect to existing or after-acquired property of the new debtor to the extent the property is described in the agreement; and

(b) another agreement is not necessary to make a security interest in the property enforceable.

(6) The attachment of a security interest in collateral gives the secured party the rights to proceeds provided by 30-9A-315 and is also attachment of a security interest in a supporting obligation for the collateral.

(7) The attachment of a security interest in a right to payment or performance secured by a security interest or other lien on personal or real property is also attachment of a security interest in the security interest, mortgage, or other lien.

(8) The attachment of a security interest in a securities account is also attachment of a security interest in the security entitlements carried in the securities account.

(9) The attachment of a security interest in a commodity account is also attachment of a security interest in the commodity contracts carried in the commodity account."

Section 51. Section 30-9A-204, MCA, is amended to read:

"**30-9A-204. After acquired property -- future advances.** (1) Except as otherwise provided in subsection (2), a security agreement may create or provide for a security interest in after-acquired collateral.

(2) *(a)* ~~A~~ *Subject to subsection (2)(b), a* security interest does not attach under a term constituting an after-acquired property clause to:

~~(a)~~*(i)* consumer goods, other than an accession when given as additional security, unless the debtor acquires rights in them within 10 days after the secured party gives value; or

~~(b)~~*(ii)* a commercial tort claim.

(b) Subsection (2)(a) does not prevent a security interest from attaching:

(i) to consumer goods as proceeds under 30-9A-315(1) or commingled goods under 30-9A-336(3);

(ii) to a commercial tort claim as proceeds under 30-9A-315(1); or

(iii) under an after-acquired property clause to property that is proceeds of consumer goods or a commercial tort claim.

(3) A security agreement may provide that collateral secures, or that accounts, chattel paper, payment intangibles, or promissory notes are sold in connection with, future advances or other value, whether or not the advances or value are given pursuant to commitment."

Section 52. Section 30-9A-207, MCA, is amended to read:

"**30-9A-207. Rights and duties of secured party having possession or control of collateral.** (1) Except as otherwise provided in subsection (4), a secured party shall use reasonable care in the custody and preservation of collateral in the secured party's possession. In the case of chattel paper or an instrument, reasonable care includes taking necessary steps to preserve rights against prior parties unless otherwise agreed.

(2) Except as otherwise provided in subsection (4), if a secured party has possession of collateral:

(a) reasonable expenses, including the cost of insurance and payment of taxes or other charges, incurred in the custody, preservation, use, or operation of the collateral are chargeable to the debtor and are secured by the collateral;

(b) the risk of accidental loss or damage is on the debtor to the extent of a deficiency in any effective insurance coverage;

(c) the secured party shall keep the collateral identifiable, but fungible collateral may be commingled; and

(d) the secured party may use or operate the collateral:

(i) for the purpose of preserving the collateral or its value;

(ii) as permitted by an order of a court having competent jurisdiction; or

(iii) except in the case of consumer goods, in the manner and to the extent agreed by the debtor.

(3) Except as otherwise provided in subsection (4), a secured party having possession of collateral or control of collateral under 30-7-107, 30-9A-104, 30-9A-105, 30-9A-106, ~~or~~ 30-9A-107*, or [section 48]*:

(a) may hold as additional security any proceeds, except money or funds, received from the collateral;

(b) shall apply money or funds received from the collateral to reduce the secured obligation, unless remitted to the debtor; and

(c) may create a security interest in the collateral.

(4) If the secured party is a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor:

(a) subsection (1) does not apply unless the secured party is entitled by agreement:

(i) to charge back uncollected collateral; or

(ii) otherwise to full or limited recourse against the debtor or a secondary obligor based on the nonpayment or other default of an account debtor or other obligor on the collateral; and

(b) subsections (2) and (3) do not apply."

Section 53. Section 30-9A-208, MCA, is amended to read:

"**30-9A-208. Additional duties of secured party having control of collateral.** (1) This section applies if:

(a) there is no outstanding secured obligation; and

(b) the secured party is not committed to make advances, incur obligations, or otherwise give value.

(2) Within 10 days after receiving ~~an authenticated~~ *a signed* demand by the debtor:

(a) a secured party having control of a deposit account under 30-9A-104(1)(b) shall send to the bank with which the deposit account is maintained ~~an authenticated statement~~ *a signed record* that releases the

bank from any further obligation to comply with instructions originated by the secured party;

(b) a secured party having control of a deposit account under 30-9A-104(1)(c) shall:

(i) pay the debtor the balance on deposit in the deposit account; or

(ii) transfer the balance on deposit into a deposit account in the debtor's name;

~~(c) a secured party, other than a buyer, having control of electronic chattel paper under 30-9A-105 shall:~~

~~(i) communicate the authoritative copy of the electronic chattel paper to the debtor or its designated custodian;~~

~~(ii) if the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic chattel paper is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and~~

~~(iii) take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy that add or change an identified assignee of the authoritative copy without the consent of the secured party;~~

(c) a secured party, other than a buyer, having control under 30-9A-105 of an authoritative electronic copy of a record evidencing chattel paper shall transfer control of the electronic copy to the debtor or a person designated by the debtor;

(d) a secured party having control of investment property under 30-8-116(4)(b) or 30-9A-106(2) shall send to the securities intermediary or commodity intermediary with which the security entitlement or commodity contract is maintained ~~an authenticated~~ *a signed* record that releases the securities intermediary or commodity intermediary from any further obligation to comply with entitlement orders or directions originated by the secured party;

(e) a secured party having control of a letter-of-credit right under 30-9A-107 shall send to each person having an unfulfilled obligation to pay or deliver proceeds of the letter of credit to the secured party ~~an authenticated~~ *a signed* release from any further obligation to pay or deliver proceeds of the letter of credit to the secured party; ~~and~~

~~(f) a secured party having control of an electronic document shall:~~

~~(i) give control of the electronic document to the debtor or its designated custodian;~~

~~(ii) if the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic document is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and~~

~~(iii) take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the secured party.~~

(f) a secured party having control under 30-7-107 of an authoritative electronic copy of an electronic document of title shall transfer control of the electronic copy to the debtor or a person designated by the debtor; and

(g) a secured party having control under [section 98] of a controllable electronic record, other than a buyer of a controllable account or controllable

payment intangible evidenced by the controllable electronic record, shall transfer control of the controllable electronic record to the debtor or a person designated by the debtor."

Section 54. Section 30-9A-209, MCA, is amended to read:

"**30-9A-209. Duties of secured party if account debtor has been notified of assignment.** (1) Except as otherwise provided in subsection (3), this section applies if:

(a) there is no outstanding secured obligation; and

(b) the secured party is not committed to make advances, incur obligations, or otherwise give value.

(2) Within 10 days after receiving ~~an authenticated~~ *a signed* demand by the debtor, a secured party shall send to an account debtor that has received notification *under 30-9A-406 or [section 99(2)]* of an assignment to the secured party as assignee ~~under 30-9A-406(1) an authenticated~~ *a signed* record that releases the account debtor from any further obligation to the secured party.

(3) This section does not apply to an assignment constituting the sale of an account, chattel paper, or payment intangible."

Section 55. Section 30-9A-210, MCA, is amended to read:

"**30-9A-210. Request for accounting -- request regarding list of collateral or statement of account.** (1) In this section, the following definitions apply:

(a) "Request" means a record of a type described in subsection (1)(b), (1)(c), or (1)(d).

(b) "Request for an accounting" means a record ~~authenticated~~ *signed* by a debtor requesting that the recipient provide an accounting of the unpaid obligations secured by collateral and reasonably identifying the transaction or relationship that is the subject of the request.

(c) "Request regarding a list of collateral" means a record ~~authenticated~~ *signed* by a debtor requesting that the recipient approve or correct a list of what the debtor believes to be the collateral securing an obligation and reasonably identifying the transaction or relationship that is the subject of the request.

(d) "Request regarding a statement of account" means a record ~~authenticated~~ *signed* by a debtor requesting that the recipient approve or correct a statement indicating what the debtor believes to be the aggregate amount of unpaid obligations secured by collateral as of a specified date and reasonably identifying the transaction or relationship that is the subject of the request.

(2) Subject to subsections (3), (4), (5), and (6), a secured party, other than a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor shall comply with a request within 14 days after receipt:

(a) in the case of a request for an accounting, by ~~authenticating~~ *signing* and sending to the debtor an accounting; and

(b) in the case of a request regarding a list of collateral or a request regarding a statement of account, by ~~authenticating~~ *signing* and sending to the debtor an approval or correction.

(3) A secured party that claims a security interest in all of a particular type of collateral owned by the debtor may comply with a request regarding a list of collateral by sending to the debtor ~~an authenticated~~ *a signed* record including a statement to that effect within 14 days after receipt.

(4) A person that receives a request regarding a list of collateral, that claims no interest in the collateral when it receives the request, and that claimed an interest in the collateral at an earlier time shall comply with the request within 14 days after receipt by sending to the debtor ~~an authenticated~~ *a signed* record:

(a) disclaiming any interest in the collateral; and

(b) if known to the recipient, providing the name and mailing address of any assignee of or successor to the recipient's interest in the collateral.

(5) A person that receives a request for an accounting or a request regarding a statement of account, that claims no interest in the obligations when it receives the request, and that claimed an interest in the obligations at an earlier time shall comply with the request within 14 days after receipt by sending to the debtor ~~an authenticated~~ *a signed* record:

(a) disclaiming any interest in the obligations; and

(b) if known to the recipient, providing the name and mailing address of any assignee of or successor to the recipient's interest in the obligations.

(6) A debtor is entitled without charge to one response to a request under this section during any 6-month period. The secured party may require payment of a charge not exceeding $25 for each additional response."

Section 56. Section 30-9A-301, MCA, is amended to read:

"**30-9A-301. Law governing perfection and priority of security interests.** Except as otherwise provided in 30-9A-303 through 30-9A-306 *and [section 60]*, the following rules determine the law governing perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral:

(1) Except as otherwise provided in this section, while a debtor is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral.

(2) While collateral is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a possessory security interest in that collateral.

(3) Except as otherwise provided in subsection (4), while ~~tangible~~ negotiable *tangible* documents, goods, instruments, *or* money, ~~or tangible chattel paper~~ is located in a jurisdiction, the local law of that jurisdiction governs:

(a) perfection of a security interest in the goods by filing a fixture filing;

(b) perfection of a security interest in timber to be cut; and

(c) the effect of perfection or nonperfection and the priority of a nonpossessory security interest in the collateral.

(4) The local law of the jurisdiction in which the wellhead or minehead is located governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in as-extracted collateral."

Section 57. Section 30-9A-304, MCA, is amended to read:

"**30-9A-304. Law governing perfection and priority of security interests in deposit accounts.** (1) The local law of a bank's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a deposit account maintained with that bank *even if the transaction does not bear any relation to the bank's jurisdiction*.

(2) The following rules determine a bank's jurisdiction for purposes of this part:

(a) If an agreement between the bank and the debtor governing the deposit account expressly provides that a particular jurisdiction is the bank's jurisdiction for purposes of chapters 1 through 9A or this part, that jurisdiction is the bank's jurisdiction.

(b) If subsection (2)(a) does not apply and an agreement between the bank and its customer governing the deposit account expressly provides that the agreement is governed by the law of a particular jurisdiction, that jurisdiction is the bank's jurisdiction.

(c) If subsection (2)(a) or (2)(b) does not apply and an agreement between the bank and its customer governing the deposit account expressly provides

that the deposit account is maintained at an office in a particular jurisdiction, that jurisdiction is the bank's jurisdiction.

(d) If none of the preceding subsections apply, the bank's jurisdiction is the jurisdiction in which the office identified in an account statement as the office serving the customer's account is located.

(e) If none of the preceding subsections apply, the bank's jurisdiction is the jurisdiction in which the chief executive office of the bank is located."

Section 58. Section 30-9A-305, MCA, is amended to read:

"**30-9A-305. Law governing perfection and priority of security interests in investment property.** (1) Except as otherwise provided in subsection (3), the following rules apply:

(a) While a security certificate is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in the certificated security represented thereby.

(b) The local law of the issuer's jurisdiction as specified in 30-8-120(4) governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in an uncertificated security.

(c) The local law of the securities intermediary's jurisdiction as specified in 30-8-120(5) governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a security entitlement or securities account.

(d) The local law of the commodity intermediary's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a commodity contract or commodity account.

(e) Subsections (1)(b), (1)(c), and (1)(d) apply even if the transaction does not bear any relation to the jurisdiction.

(2) The following rules determine a commodity intermediary's jurisdiction for purposes of this part:

(a) If an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that a particular jurisdiction is the commodity intermediary's jurisdiction for purposes of chapters 1 through 9A or this part, that jurisdiction is the commodity intermediary's jurisdiction.

(b) If subsection (2)(a) does not apply and an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that the agreement is governed by the law of a particular jurisdiction, that jurisdiction is the commodity intermediary's jurisdiction.

(c) If subsection (2)(a) or (2)(b) does not apply and an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that the commodity account is maintained at an office in a particular jurisdiction, that jurisdiction is the commodity intermediary's jurisdiction.

(d) If none of the preceding subsections applies, the commodity intermediary's jurisdiction is the jurisdiction in which the office identified in an account statement as the office serving the commodity customer's account is located.

(e) If none of the preceding subsections applies, the commodity intermediary's jurisdiction is the jurisdiction in which the chief executive office of the commodity intermediary is located.

(3) The local law of the jurisdiction in which the debtor is located governs:

(a) perfection of a security interest in investment property by filing;

(b) automatic perfection of a security interest in investment property granted by a broker or securities intermediary; and

(c) automatic perfection of a security interest in a commodity contract or commodity account granted by a commodity intermediary."

Section 59. Laws governing perfection and priority of security interests in chattel paper. (1) Except as provided in subsection (4), if chattel paper is evidenced only by an authoritative electronic copy of the chattel paper or is evidenced by an authoritative electronic copy and an authoritative tangible copy, the local law of the chattel paper's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in the chattel paper, even if the transaction does not bear any relation to the chattel paper's jurisdiction.

(2) The following rules determine the chattel paper's jurisdiction under this section:

(a) If the authoritative electronic copy of the record evidencing chattel paper, or a record attached to or logically associated with the electronic copy and readily available for review, expressly provides that a particular jurisdiction is the chattel paper's jurisdiction for purposes of this part, this chapter, or this code, that jurisdiction is the chattel paper's jurisdiction.

(b) If subsection (2)(a) does not apply and the rules of the system in which the authoritative electronic copy is recorded are readily available for review and expressly provide that a particular jurisdiction is the chattel paper's jurisdiction for purposes of this part, this chapter, or this code, that jurisdiction is the chattel paper's jurisdiction.

(c) If subsections (2)(a) and (2)(b) do not apply and the authoritative electronic copy, or a record attached to or logically associated with the electronic copy and readily available for review, expressly provides that the chattel paper is governed by the law of a particular jurisdiction, that jurisdiction is the chattel paper's jurisdiction.

(d) If subsections (2)(a), (2)(b), and (2)(c) do not apply and the rules of the system in which the authoritative electronic copy is recorded are readily available for review and expressly provide that the chattel paper or the system is governed by the law of a particular jurisdiction, that jurisdiction is the chattel paper's jurisdiction.

(e) If subsections (2)(a) through (2)(d) do not apply, the chattel paper's jurisdiction is the jurisdiction in which the debtor is located.

(3) If an authoritative tangible copy of a record evidences chattel paper and the chattel paper is not evidenced by an authoritative electronic copy, while the authoritative tangible copy of the record evidencing chattel paper is located in a jurisdiction, the local law of that jurisdiction governs:

(a) perfection of a security interest in the chattel paper by possession under 30-9A-313; and

(b) the effect of perfection or nonperfection and the priority of a security interest in the chattel paper.

(4) The local law of the jurisdiction in which the debtor is located governs perfection of a security interest in chattel paper by filing.

Section 60. Law governing perfection and priority of security interests in controllable accounts, controllable electronic records, and controllable payment intangibles. (1) Except as provided in subsection (2), the local law of the controllable electronic record's jurisdiction specified in [section 100(3) and (4)] governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a controllable electronic record and a security interest in a controllable account or controllable payment intangible evidenced by the controllable electronic record.

(2) The local law of the jurisdiction in which the debtor is located governs:

(a) perfection of a security interest in a controllable account, controllable electronic record, or controllable payment intangible by filing; and

(b) automatic perfection of a security interest in a controllable payment intangible created by a sale of the controllable payment intangible.

Section 61. Section 30-9A-310, MCA, is amended to read:

"**30-9A-310. When filing required to perfect security interest or agricultural lien -- security interests and agricultural liens to which filing provisions do not apply.** (1) Except as otherwise provided in 30-9A-312(2) or subsection (2) of this section, a financing statement must be filed to perfect all security interests and agricultural liens.

(2) The filing of a financing statement is not necessary to perfect a security interest:

(a) that is perfected under 30-9A-308(4), (5), (6), or (7);

(b) that is perfected under 30-9A-309 when it attaches;

(c) in property subject to a statute, regulation, or treaty described in 30-9A-311(1);

(d) in goods in possession of a bailee that is perfected under 30-9A-312(4)(a) or (4)(b);

(e) in certificated securities, documents, goods, or instruments that is perfected without filing or possession under 30-9A-312(5), (6), or (7);

(f) in collateral in the secured party's possession under 30-9A-313;

(g) in a certificated security that is perfected by delivery of the security certificate to the secured party under 30-9A-313;

(h) in a *controllable account, controllable electronic record, controllable payment intangible* deposit account, ~~electronic chattel paper,~~ electronic document, investment property, or letter-of-credit right that is perfected by control under 30-9A-314;

(i) in chattel paper that is perfected by possession and control under [section 65];

~~(i)~~*(j)* in proceeds which is perfected under 30-9A-315; or

~~(j)~~*(k)* that is perfected under 30-9A-316.

(3) If a secured party assigns a perfected security interest or agricultural lien, a filing under this chapter is not required to continue the perfected status of the security interest against creditors of and transferees from the original debtor."

Section 62. Section 30-9A-312, MCA, is amended to read:

"**30-9A-312. Perfection of security interests in chattel paper, *controllable accounts, controllable electronic records, controllable payment intangibles,* deposit accounts, *negotiable* documents, goods covered by documents, instruments, investment property, letter-of-credit rights, and money -- perfection by permissive filing -- temporary perfection without filing or transfer of possession.** (1) A security interest in chattel paper, ~~negotiable documents,~~ instruments, *controllable accounts, controllable electronic records, controllable payment intangibles,* ~~or~~ investment property*, or negotiable documents* may be perfected by filing.

(2) Except as otherwise provided in 30-9A-315(3) and (4) for proceeds:

(a) a security interest in a deposit account may be perfected only by control under 30-9A-314;

(b) a security interest in a letter-of-credit right may be perfected only by control under 30-9A-314, except as otherwise provided in 30-9A-308(4); and

(c) a security interest in money may be perfected only by the secured party's taking possession under 30-9A-313.

(3) While goods are in the possession of a bailee that has issued a negotiable document covering the goods:

(a) a security interest in the goods may be perfected by perfecting a security interest in the document; and

(b) a security interest perfected in the document has priority over any security interest that becomes perfected in the goods by another method during that time.

(4) While goods are in the possession of a bailee that has issued a nonnegotiable document covering the goods, a security interest in the goods may be perfected by:

(a) issuance of a document in the name of the secured party;

(b) the bailee's receipt of notification of the secured party's interest; or

(c) filing as to the goods.

(5) A security interest in certificated securities, negotiable documents, or instruments is perfected without filing or the taking of possession for a period of 20 days from the time it attaches to the extent that it arises for new value given under ~~an authenticated~~ *a signed* security agreement.

(6) A perfected security interest in a negotiable document or goods in possession or control of a bailee, other than one that has issued a negotiable document for the goods, remains perfected for 20 days without filing if the secured party makes available to the debtor the goods or documents representing the goods for the purpose of:

(a) ultimate sale or exchange; or

(b) loading, unloading, storing, shipping, transshipping, manufacturing, processing, or otherwise dealing with them in a manner preliminary to their sale or exchange.

(7) A perfected security interest in a certificated security or instrument remains perfected for 20 days without filing if the secured party delivers the security certificate or instrument to the debtor for the purpose of:

(a) ultimate sale or exchange; or

(b) presentation, collection, enforcement, renewal, or registration of transfer.

(8) After the 20-day period specified in subsection (5), (6), or (7) expires, perfection depends upon compliance with this chapter."

Section 63. Section 30-9A-313, MCA, is amended to read:

"**30-9A-313. When possession by or delivery to secured party perfects security interest without filing.** (1) Except as otherwise provided in subsection (2), a secured party may perfect a security interest in ~~tangible negotiable documents~~, goods, instruments, *negotiable tangible documents, or* money~~, or tangible chattel paper~~ by taking possession of the collateral. A secured party may perfect a security interest in certificated securities by taking delivery of the certificated securities under 30-8-331.

(2) With respect to goods covered by a certificate of title issued by this state, a secured party may perfect a security interest in the goods by taking possession of the goods only in the circumstances described in 30-9A-316(4).

(3) With respect to collateral other than certificated securities and goods covered by a document, a secured party takes possession of collateral in the possession of a person other than the debtor, the secured party, or a lessee of the collateral from the debtor in the ordinary course of the debtor's business when:

(a) the person in possession ~~authenticates~~ *signs* a record acknowledging that it holds possession of the collateral for the secured party's benefit; or

(b) the person takes possession of the collateral after having ~~authenticated~~ *signed* a record acknowledging that it will hold possession of *the* collateral for the secured party's benefit.

(4) If perfection of a security interest depends upon possession of the collateral by a secured party, perfection occurs ~~no~~ *not* earlier than the time the secured party takes possession and continues only while the secured party retains possession.

(5) A security interest in a certificated security in registered form is perfected by delivery when delivery of the certificated security occurs under 30-8-331 and remains perfected by delivery until the debtor obtains possession of the security certificate.

(6) A person in possession of collateral is not required to acknowledge that it holds possession for a secured party's benefit.

(7) If a person acknowledges that it holds possession for the secured party's benefit:

(a) the acknowledgment is effective under 30-8-331(1) or subsection (3) of this section, even if the acknowledgment violates the rights of a debtor; and

(b) unless the person otherwise agrees or law other than this chapter otherwise provides, the person does not owe any duty to the secured party and is not required to confirm the acknowledgment to another person.

(8) A secured party having possession of collateral does not relinquish possession by delivering the collateral to a person other than the debtor or a lessee of the collateral from the debtor in the ordinary course of the debtor's business if the person was instructed before the delivery or is instructed contemporaneously with the delivery:

(a) to hold possession of the collateral for the secured party's benefit; or

(b) to redeliver the collateral to the secured party.

(9) A secured party does not relinquish possession even if a delivery under subsection (8) violates the rights of a debtor. A person to which collateral is delivered under subsection (8) does not owe any duty to the secured party and is not required to confirm the delivery to another person unless the person otherwise agrees or law other than this chapter otherwise provides."

Section 64. Section 30-9A-314, MCA, is amended to read:

"**30-9A-314. Perfection by control.** (1) A security interest in ~~investment property, a deposit account, a letter-of-credit right, or electronic chattel paper~~ *controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, electronic documents, investment property, or letter-of-credit rights* may be perfected by control of the collateral under 30-7-107, 30-9A-104, ~~30-9A-105,~~ 30-9A-106, ~~or~~ 30-9A-107*, or [section 48]*.

(2) A security interest in ~~a deposit account, electronic chattel paper, a letter-of-credit right, or electronic document~~ *controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, electronic documents or letter-of-credit rights* is perfected by control under 30-7-107, 30-9A-104, 30-9A-105, ~~or~~ 30-9A-107*, or [section 48]* ~~when~~ *not earlier than the time* the secured party obtains control and remains perfected by control only while the secured party retains control.

(3) A security interest in investment property is perfected by control under 30-9A-106 ~~from~~ *not earlier than* the time the secured party obtains control and remains perfected by control until:

(a) the secured party does not have control; and

(b) one of the following occurs:

(i) if the collateral is a certificated security, the debtor has or acquires possession of the security certificate;

(ii) if the collateral is an uncertificated security, the issuer has registered or registers the debtor as the registered owner; or

(iii) if the collateral is a security entitlement, the debtor is or becomes the entitlement holder."

Section 65. Perfection by possession and control of chattel paper. (1) A secured party may perfect a security interest in chattel paper by taking possession of each authoritative tangible copy of the record evidencing the chattel paper and obtaining control of each authoritative electronic copy of the electronic record evidencing the chattel paper.

(2) A security interest is perfected under subsection (1) not earlier than the time the secured party takes possession and obtains control and remains perfected under subsection (1) only while the secured party retains possession and control.

(3) Section 30-9A-313(3) and (6) through (9) applies to perfection by possession of an authoritative tangible copy of a record evidencing chattel paper.

Section 66. Section 30-9A-316, MCA, is amended to read:

"**30-9A-316. Effect of change in applicable law.** (1) A security interest perfected pursuant to the law of the jurisdiction designated in 30-9A-301(1)*,* ~~or~~ 30-9A-305(3)*, [section 59(4)], or [section 60(2)]* remains perfected until the earliest of:

(a) the time perfection would have ceased under the law of that jurisdiction;

(b) the expiration of 4 months after a change of the debtor's location to another jurisdiction;

(c) the expiration of 1 year after a transfer of collateral to a person that thereby becomes a debtor and is located in another jurisdiction; or

(d) the expiration of 1 year after a new debtor located in another jurisdiction becomes bound under 30-9A-203(4).

(2) If a security interest described in subsection (1) becomes perfected under the law of the other jurisdiction before the earliest time or event described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earliest time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(3) A possessory security interest in collateral, other than goods covered by a certificate of title and as-extracted collateral consisting of goods, remains continuously perfected if:

(a) the collateral is located in one jurisdiction and subject to a security interest perfected under the law of that jurisdiction;

(b) thereafter the collateral is brought into another jurisdiction; and

(c) upon entry into the other jurisdiction, the security interest is perfected under the law of the other jurisdiction.

(4) Except as otherwise provided in subsection (5), a security interest in goods covered by a certificate of title that is perfected by any method under the law of another jurisdiction when the goods become covered by a certificate of title from this state remains perfected until the security interest would have become unperfected under the law of the other jurisdiction had the goods not become so covered.

(5) A security interest described in subsection (4) becomes unperfected as against a purchaser of the goods for value and is deemed never to have been perfected as against a purchaser of the goods for value if the applicable requirements for perfection under 30-9A-311(2) or 30-9A-313 are not satisfied before the earlier of:

(a) the time the security interest would have become unperfected under the law of the other jurisdiction had the goods not become covered by a certificate of title from this state; or

(b) the expiration of 4 months after the goods had become so covered.

(6) A security interest in *chattel paper,* a *controllable account, controllable electronic record, controllable payment intangible,* deposit account, letter-of-credit right, or investment property that is perfected under the law of the *chattel paper's jurisdiction, the controllable electronic record's jurisdiction, the* bank's jurisdiction, the issuer's jurisdiction, a nominated person's jurisdiction, the securities intermediary's jurisdiction, or the commodity intermediary's jurisdiction, as applicable, remains perfected until the earlier of:

(a) the time the security interest would have become unperfected under the law of that jurisdiction; or

(b) the expiration of 4 months after a change of the applicable jurisdiction to another jurisdiction.

(7) If a security interest described in subsection (6) becomes perfected under the law of the other jurisdiction before the earlier of the time or the end of the period described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier of that time or the end of that period, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(8) The following rules apply to collateral to which a security interest attaches within 4 months after the debtor changes its location to another jurisdiction:

(a) A financing statement filed before the change pursuant to the law of the jurisdiction designated in 30-9A-301(1) or 30-9A-305(3) is effective to perfect a security interest in the collateral if the financing statement would have been effective to perfect a security interest in the collateral had the debtor not changed its location.

(b) If a security interest perfected by a financing statement that is effective under subsection (8)(a) becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in 30-9A-301(1) or 30-9A-305(3) or the expiration of the 4-month period, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(9) If a financing statement naming an original debtor is filed pursuant to the law of the jurisdiction designated in 30-9A-301(1) or 30-9A-305(3) and the new debtor is located in another jurisdiction, the following rules apply:

(a) The financing statement is effective to perfect a security interest in collateral acquired by the new debtor before, and within 4 months after, the new debtor becomes bound under 30-9A-203(4), if the financing statement would have been effective to perfect a security interest in the collateral had the collateral been acquired by the original debtor.

(b) A security interest perfected by the financing statement and which becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in 30-9A-301(1) or 30-9A-305(3) or the expiration of the 4-month period remains perfected thereafter. A security interest that is perfected by the financing statement but which does not become perfected

under the law of the other jurisdiction before the earlier time or event becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value."

Section 67. Section 30-9A-317, MCA, is amended to read:

"**30-9A-317. Interests that take priority over or take free of security interest or agricultural lien.** (1) A security interest or agricultural lien is subordinate to the rights of:

(a) a person entitled to priority under 30-9A-322; and

(b) except as otherwise provided in subsection (5), a person that becomes a lien creditor before the earlier of the time:

(i) the security interest or agricultural lien is perfected; or

(ii) one of the conditions specified in 30-9A-203(2)(c) is met and a financing statement covering the collateral is filed.

(2) Except as otherwise provided in subsection (5), a buyer, other than a secured party, ~~of chattel paper, tangible documents,~~ *of* goods, instruments, *tangible documents,* or a certificated security takes free of a security interest or agricultural lien if the buyer gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(3) Except as otherwise provided in subsection (5), a lessee of goods takes free of a security interest or agricultural lien if the lessee gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(4) ~~A~~ *Subject to subsections (6) through (9), a* licensee of a general intangible or a buyer, other than a secured party, of collateral other than ~~tangible chattel paper,~~ tangible documents, goods, instruments, or a certificated security takes free of a security interest if the licensee or buyer gives value without knowledge of the security interest and before it is perfected.

(5) Except as otherwise provided in 30-9A-320 and 30-9A-321, if a person files a financing statement with respect to a purchase-money security interest before or within 20 days after the debtor receives delivery of the collateral, the security interest takes priority over the rights of a buyer, lessee, or lien creditor that arise between the time the security interest attaches and the time of filing.

(6) A buyer, other than a secured party, of chattel paper takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and:

(a) receives delivery of each authoritative tangible copy of the record evidencing the chattel paper; and

(b) if each authoritative electronic copy of the record evidencing the chattel paper can be subjected to control under 30-9A-105, obtains control of each authoritative electronic copy.

(7) A buyer of an electronic document takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and, if each authoritative electronic copy of the document can be subjected to control under 30-7-107, obtains control of each authoritative electronic copy.

(8) A buyer of a controllable electronic record takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and obtains control of the controllable electronic record.

(9) A buyer, other than a secured party, of a controllable account or a controllable payment intangible takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives

value and obtains control of the controllable account or controllable payment intangible."

Section 68. Section 30-9A-323, MCA, is amended to read:

"**30-9A-323. Future advances.** (1) Except as otherwise provided in subsection (3), for purposes of determining the priority of a perfected security interest under 30-9A-322(1)(a), perfection of the security interest dates from the time an advance is made to the extent that the security interest secures an advance that:

(a) is made while the security interest is perfected only:

(i) under 30-9A-309 when it attaches; or

(ii) temporarily under 30-9A-312(5), (6), or (7); and

(b) is not made pursuant to a commitment entered into before or while the security interest is perfected by a method other than under 30-9A-309 or 30-9A-312(5), (6), or (7).

(2) Except as otherwise provided in subsection (3), a security interest is subordinate to the rights of a person that becomes a lien creditor to the extent that the security interest secures an advance made more than 45 days after the person becomes a lien creditor unless the advance is made:

(a) without knowledge of the lien; or

(b) pursuant to a commitment entered into without knowledge of the lien.

(3) Subsections (1) and (2) do not apply to a security interest held by a secured party that is a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor.

(4) Except as otherwise provided in subsection (5), a buyer of goods ~~other than a buyer in ordinary course of business~~ takes free of a security interest to the extent that it secures advances made after the earlier of:

(a) the time the secured party acquires knowledge of the buyer's purchase; or

(b) 45 days after the purchase.

(5) Subsection (4) does not apply if the advance is made pursuant to a commitment entered into without knowledge of the buyer's purchase and before the expiration of the 45-day period.

(6) Except as otherwise provided in subsection (7), a lessee of goods~~, other than a lessee in ordinary course of business,~~ takes the leasehold interest free of a security interest to the extent that it secures advances made after the earlier of:

(a) the time the secured party acquires knowledge of the lease; or

(b) 45 days after the lease contract becomes enforceable.

(7) Subsection (6) does not apply if the advance is made pursuant to a commitment entered into without knowledge of the lease and before the expiration of the 45-day period."

Section 69. Section 30-9A-324, MCA, is amended to read:

"**30-9A-324. Priority of purchase-money security interests.** (1) Except as otherwise provided in subsection (7), a perfected purchase-money security interest in goods other than inventory or livestock has priority over a conflicting security interest in the same goods, and except as otherwise provided in 30-9A-327, a perfected security interest in its identifiable proceeds also has priority, if the purchase-money security interest is perfected when the debtor receives possession of the collateral or within 20 days thereafter.

(2) Subject to subsection (3) and except as otherwise provided in subsection (7), a perfected purchase-money security interest in inventory has priority over a conflicting security interest in the same inventory, has priority over a conflicting security interest in chattel paper or an instrument constituting proceeds of the inventory and in proceeds of the chattel paper if so provided in

30-9A-330, and except as otherwise provided in 30-9A-327, also has priority in identifiable cash proceeds of the inventory to the extent the identifiable cash proceeds are received on or before the delivery of the inventory to a buyer, if:

(a) the purchase-money security interest is perfected when the debtor receives possession of the inventory;

(b) the purchase-money secured party sends ~~an authenticated~~ *a signed* notification to the holder of the conflicting security interest;

(c) the holder of the conflicting security interest receives the notification within 5 years before the debtor receives possession of the inventory; and

(d) the notification states that the person sending the notification has or expects to acquire a purchase-money security interest in inventory of the debtor and describes the inventory.

(3) Subsections (2)(b) through (2)(d) apply only if the holder of the conflicting security interest had filed a financing statement covering the same types of inventory:

(a) if the purchase-money security interest is perfected by filing, before the date of the filing; or

(b) if the purchase-money security interest is temporarily perfected without filing or possession under 30-9A-312(6), before the beginning of the 20-day period thereunder.

(4) Subject to subsection (5) and except as otherwise provided in subsection (7), a perfected purchase-money security interest in livestock that are farm products has priority over a conflicting security interest in the same livestock, and except as otherwise provided in 30-9A-327, a perfected security interest in their identifiable proceeds and identifiable products in their unmanufactured states also has priority, if:

(a) the purchase-money security interest is perfected when the debtor receives possession of the livestock;

(b) the purchase-money secured party sends ~~an authenticated~~ *a signed* notification to the holder of the conflicting security interest;

(c) the holder of the conflicting security interest receives the notification within 6 months before the debtor receives possession of the livestock; and

(d) the notification states that the person sending the notification has or expects to acquire a purchase-money security interest in livestock of the debtor and describes the livestock.

(5) Subsections (4)(b) through (4)(d) apply only if the holder of the conflicting security interest had filed a financing statement covering the same types of livestock:

(a) if the purchase-money security interest is perfected by filing, before the date of the filing; or

(b) if the purchase-money security interest is temporarily perfected without filing or possession under 30-9A-312(6), before the beginning of the 20-day period thereunder.

(6) Except as otherwise provided in subsection (7), a perfected purchase-money security interest in software has priority over a conflicting security interest in the same collateral, and except as otherwise provided in 30-9A-327, a perfected security interest in its identifiable proceeds also has priority, to the extent that the purchase-money security interest in the goods in which the software was acquired for use has priority in the goods and proceeds of the goods under this section.

(7) If more than one security interest qualifies for priority in the same collateral under subsection (1), (2), (4), or (6):

(a) a security interest securing an obligation incurred as all or part of the price of the collateral has priority over a security interest securing an obligation

incurred for value given to enable the debtor to acquire rights in or the use of collateral; and

(b) in all other cases, 30-9A-322(1) applies to the qualifying security interests."

Section 70. Priority of security interest in controllable account, controllable electronic record, and controllable payment intangible. A security interest in a controllable account, controllable electronic record, or controllable payment intangible held by a secured party having control of the account, electronic record, or payment intangible has priority over a conflicting security interest held by a secured party that does not have control.

Section 71. Section 30-9A-330, MCA, is amended to read:

"**30-9A-330. Purchase of chattel paper or instrument.** (1) A purchaser of chattel paper has priority over a security interest in the chattel paper that is claimed merely as proceeds of inventory subject to a security interest if:

(a) in good faith and in the ordinary course of the purchaser's business, the purchaser gives new value and takes possession of ~~the chattel paper or obtains control of the chattel paper under 30-9A-105~~ *each authoritative tangible copy of the record evidencing the chattel paper and obtains control under 30-9A-105 of each authoritative electronic copy of the record evidencing the chattel paper*; and

(b) the ~~chattel paper does~~ *authoritative copies of the record evidencing the chattel paper do* not indicate that ~~it~~ *the chattel paper* has been assigned to an identified assignee other than the purchaser.

(2) A purchaser of chattel paper has priority over a security interest in the chattel paper that is claimed other than merely as proceeds of inventory subject to a security interest if the purchaser gives new value, ~~and~~ takes possession of *each authoritative tangible copy of the record evidencing* the chattel paper, ~~or~~ *and* obtains control ~~of~~ *under 30-9A-105 of each authoritative electronic copy of the record evidencing* the chattel paper ~~under 30-9A-105~~ in good faith, in the ordinary course of the purchaser's business, and without knowledge that the purchase violates the rights of the secured party.

(3) Except as otherwise provided in 30-9A-327, a purchaser having priority in chattel paper under subsection (1) or (2) also has priority in proceeds of the chattel paper to the extent that:

(a) 30-9A-322 provides for priority in the proceeds; or

(b) the proceeds consist of the specific goods covered by the chattel paper or cash proceeds of the specific goods, even if the purchaser's security interest in the proceeds is unperfected.

(4) Except as otherwise provided in 30-9A-331(1), a purchaser of an instrument has priority over a security interest in the instrument perfected by a method other than possession if the purchaser gives value and takes possession of the instrument in good faith and without knowledge that the purchase violates the rights of the secured party.

(5) For purposes of subsections (1) and (2), the holder of a purchase-money security interest in inventory gives new value for chattel paper constituting proceeds of the inventory.

(6) For purposes of subsections (2) and (4), if *the authoritative copies of the record evidencing* chattel paper or an instrument indicates that ~~it~~ *the chattel paper or instrument* has been assigned to an identified secured party other than the purchaser, a purchaser of the chattel paper or instrument has knowledge that the purchase violates the rights of the secured party."

Section 72. Section 30-9A-331, MCA, is amended to read:

"**30-9A-331. Priority of rights of purchasers of *controllable accounts, controllable electronic records, controllable payment***

intangibles, ~~**instruments,**~~ **documents,** ***instruments,*** **and securities under other chapters -- priority of interests in financial assets and security entitlements** *and protection against assertion of claims* **under chapter 8** ***and [sections 94 through 100].*** (1) This chapter does not limit the rights of a holder in due course of a negotiable instrument, a holder to whom a negotiable document of title has been duly negotiated, ~~or~~ a protected purchaser of a security*, or a qualifying purchaser of a controllable account, controllable electronic record, or controllable payment intangible*. These holders or purchasers take priority over an earlier security interest, even if perfected, to the extent provided in chapters 3, 7, ~~and~~ 8*, and [sections 94 through 100]*.

(2) This chapter does not limit the rights of or impose liability on a person to the extent that the person is protected against the assertion of a claim under chapter 8 *or [sections 94 through 100]*.

(3) Filing under this chapter does not constitute notice of a claim or defense to the holders, purchasers, or persons mentioned in subsections (1) and (2)."

Section 73. Section 30-9A-332, MCA, is amended to read:

"**30-9A-332. Transfer of money -- transfer of funds from deposit account.** (1) A transferee of money takes the money free of a security interest ~~unless the transferee acts~~ *if the transferee receives possession of the money without acting* in collusion with the debtor in violating the rights of the secured party.

(2) A transferee of funds from a deposit account takes the funds free of a security interest in the deposit account ~~unless the transferee acts~~ *if the transferee receives the funds without acting* in collusion with the debtor in violating the rights of the secured party."

Section 74. Section 30-9A-334, MCA, is amended to read:

"**30-9A-334. Priority of security interests in fixtures and crops.** (1) A security interest under this chapter may be created in goods that are fixtures or may continue in goods that become fixtures. A security interest does not exist under this chapter in ordinary building materials incorporated into an improvement on land.

(2) This chapter does not prevent creation of an encumbrance upon fixtures under real property law.

(3) In cases not governed by subsections (4) through (8), a security interest in fixtures is subordinate to a conflicting interest of an encumbrancer or owner of the related real property that is not the debtor.

(4) Except as otherwise provided in subsection (8), a perfected security interest in fixtures has priority over a conflicting interest of an encumbrancer or owner of the real property if the debtor has an interest of record in or is in possession of the real property and:

(a) the security interest is a purchase-money security interest;

(b) the interest of the encumbrancer or owner arises before the goods become fixtures; and

(c) the security interest is perfected by a fixture filing before the goods become fixtures or within 20 days thereafter.

(5) A perfected security interest in fixtures has priority over a conflicting interest of an encumbrancer or owner of the real property if:

(a) the debtor has an interest of record in the real property or is in possession of the real property and the security interest:

(i) is perfected by a fixture filing before the interest of the encumbrancer or owner is of record; and

(ii) the security interest has priority over any conflicting interest of a predecessor in title of the encumbrancer or owner;

(b) before the goods become fixtures, the security interest is perfected by any method permitted by this chapter and the fixtures are readily removable:

(i) factory or office machines;

(ii) equipment that is not primarily used or leased for use in the operation of the real property; or

(iii) replacements of domestic appliances that are consumer goods;

(c) the conflicting interest is a lien on the real property obtained by legal or equitable proceedings after the security interest was perfected by any method permitted by this chapter; or

(d) the security interest is:

(i) created in a manufactured home in a manufactured-home transaction; and

(ii) perfected pursuant to a statute described in 30-9A-311(1)(b).

(6) A security interest in fixtures, whether or not perfected, has priority over a conflicting interest of an encumbrancer or owner of the real property if:

(a) the encumbrancer or owner has, in ~~an authenticated~~ *a signed* record, consented to the security interest or disclaimed an interest in the goods as fixtures; or

(b) the debtor has a right to remove the goods as against the encumbrancer or owner.

(7) The priority of the security interest under subsection (6) continues for a reasonable time if the debtor's right to remove the goods as against the encumbrancer or owner terminates.

(8) A mortgage is a "construction mortgage" to the extent that it secures an obligation incurred for the construction of an improvement on land, including the acquisition cost of the land, if the recorded record so indicates. Except as otherwise provided in subsections (5) and (6), a security interest in fixtures is subordinate to a construction mortgage recorded before the goods become fixtures if the goods become fixtures before the completion of the construction. A mortgage has this priority to the same extent as a construction mortgage to the extent that it is given to refinance a construction mortgage.

(9) A perfected security interest in crops growing on real property has priority over a conflicting interest of an encumbrancer or owner of the real property if the debtor has an interest of record in or is in possession of the real property.

(10) Subsection (9) prevails over any inconsistent provisions of Title 71, chapter 3, parts 8 and 9."

Section 75. Section 30-9A-341, MCA, is amended to read:

"**30-9A-341. Bank's rights and duties with respect to deposit account.** Except as otherwise provided in 30-9A-340(3) and unless the bank otherwise agrees in ~~an authenticated~~ *a signed* record, a bank's rights and duties with respect to a deposit account maintained with the bank are not terminated, suspended, or modified by:

(1) the creation, attachment, or perfection of a security interest in the deposit account;

(2) the bank's knowledge of the security interest; or

(3) the bank's receipt of instructions from the secured party."

Section 76. Section 30-9A-404, MCA, is amended to read:

"**30-9A-404. Rights acquired by assignee -- claim and defenses against assignee.** (1) Unless an account debtor has made an enforceable agreement not to assert defenses or claims, and subject to subsections (2) through (5), the rights of an assignee are subject to:

(a) all terms of the agreement between the account debtor and assignor and any defense or claim in recoupment arising from the transaction that gave rise to the contract; and

(b) any other defense or claim of the account debtor against the assignor that accrues before the account debtor receives a notification of the assignment ~~authenticated~~ *signed* by the assignor or the assignee.

(2) Subject to subsection (3) and except as otherwise provided in subsection (4), the claim of an account debtor against an assignor may be asserted against an assignee under subsection (1) only to reduce the amount the account debtor owes.

(3) This section is subject to law other than this chapter that establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

(4) In a consumer transaction, if a record evidences the account debtor's obligation, law other than this chapter requires that the record provide a statement to the effect that the account debtor's recovery against an assignee with respect to claims and defenses against the assignor may not exceed amounts paid by the account debtor under the record, and the record does not provide such a statement, the extent to which a claim of an account debtor against the assignor may be asserted against an assignee is determined as if the record provided such a statement.

(5) This section does not apply to an assignment of a health-care-insurance receivable."

Section 77. Section 30-9A-406, MCA, is amended to read:

"**30-9A-406. Discharge of account debtor -- notification of assignment -- identification and proof of assignment -- restrictions on assignment of accounts, chattel paper, payment intangibles, and promissory notes ineffective.** (1) Subject to subsections (2) through (9) *and (11)*, an account debtor on an account, chattel paper, or payment intangible may discharge its obligation by paying the assignor until, but not after, the account debtor receives a notification, ~~authenticated~~ *signed* by the assignor or the assignee, that the amount due or to become due has been assigned and that payment is to be made to the assignee. After receipt of the notification, the account debtor may discharge its obligation by paying the assignee and may not discharge the obligation by paying the assignor.

(2) Subject to ~~subsection~~ *subsections* (8) *and (11)*, notification is ineffective under subsection (1):

(a) if it does not reasonably identify the rights assigned;

(b) to the extent that an agreement between an account debtor and a seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this chapter; or

(c) at the option of an account debtor, if the notification notifies the account debtor to make less than the full amount of any installment or other periodic payment to the assignee, even if:

(i) only a portion of the account, chattel paper, or payment intangible has been assigned to that assignee;

(ii) a portion has been assigned to another assignee; or

(iii) the account debtor knows that the assignment to that assignee is limited.

(3) Subject to ~~subsection~~ *subsections* (8) *and (11)*, if requested by the account debtor, an assignee shall seasonably furnish reasonable proof that the assignment has been made. Unless the assignee complies, the account debtor

may discharge its obligation by paying the assignor, even if the account debtor has received a notification under subsection (1).

(4) *In this subsection (4), "promissory note" includes a negotiable instrument that evidences chattel paper.* Except as otherwise provided in 30-2A-303, 30-9A-407, and ~~subsection~~ *subsections* (5) *and (10)* of this section, and subject to subsection (8) of this section, a term in an agreement between an account debtor and an assignor or in a promissory note is ineffective to the extent that it:

(a) prohibits, restricts, or requires the consent of the account debtor or person obligated on the promissory note to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in, the account, chattel paper, payment intangible, or promissory note; or

(b) provides that the assignment or transfer or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account, chattel paper, payment intangible, or promissory note.

(5) Subsection (4) does not apply to the sale of a payment intangible or promissory note, other than a sale pursuant to a disposition under 30-9A-610 or an acceptance of collateral under 30-9A-620.

(6) Except as otherwise provided in 30-2A-303*,* ~~and~~ 30-9A-407*, and subsection (10) of this section,* and subject to subsections (8) and (9) *of this section*, a rule of law, statute, or regulation that prohibits, restricts, or requires the consent of a government, governmental body or official, or account debtor to the assignment or transfer of, or creation of a security interest in, an account or chattel paper is ineffective to the extent that the rule of law, statute, or regulation:

(a) prohibits, restricts, or requires the consent of the government, governmental body or official, or account debtor to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in the account or chattel paper; or

(b) provides that the assignment or transfer or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account or chattel paper.

(7) Subject to ~~subsection~~ *subsections* (8) *and (11)*, an account debtor may not waive or vary its option under subsection (2)(c).

(8) This section is subject to law other than this chapter that establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

(9) This section does not apply to an assignment of a health-care-insurance receivable.

(10) Subsections (4) and (6) do not apply to a security interest in an ownership interest in a general partnership, limited partnership, or limited liability company.

(11) Subsections (1), (2), (3), and (7) do not apply to a controllable account or controllable payment intangible."

Section 78. Section 30-9A-408, MCA, is amended to read:

"**30-9A-408. Restrictions on assignment of promissory notes, health-care-insurance receivables, and certain general intangibles ineffective.** (1) Except as otherwise provided in ~~subsection~~ *subsections* (2) *and (7)*, a term in a promissory note or in an agreement between an account debtor and a debtor that relates to a health-care-insurance receivable or a general intangible, including a contract, permit, license, or franchise, and

that prohibits, restricts, or requires the consent of the person obligated on the promissory note or the account debtor to, the assignment or transfer of, or the creation, attachment, or perfection of a security interest in, the promissory note, health-care-insurance receivable, or general intangible is ineffective to the extent that the term:

(a) would impair the creation, attachment, or perfection of a security interest; or

(b) provides that the assignment or transfer or the creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health-care-insurance receivable, or general intangible.

(2) Subsection (1) applies to a security interest in a payment intangible or promissory note only if the security interest arises out of a sale of the payment intangible or promissory note, other than a sale pursuant to a disposition under 30-9A-610 or an acceptance of collateral under 30-9A-620.

(3) ~~A~~ *Except as provided in subsection (7), a* rule of law, including a provision in a statute or governmental rule or regulation, that prohibits, restricts, or requires the consent of a government, governmental body or official, person obligated on a promissory note, or account debtor to the assignment or transfer of, or creation of a security interest in, a promissory note, health-care-insurance receivable, or general intangible, including a contract, permit, license, or franchise between an account debtor and a debtor, is ineffective to the extent that the rule of law, statute, or regulation:

(a) would impair the creation, attachment, or perfection of a security interest; or

(b) provides that the assignment or transfer or the creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health-care-insurance receivable, or general intangible.

(4) To the extent that a term in a promissory note or in an agreement between an account debtor and a debtor that relates to a health-care-insurance receivable or general intangible or a rule of law described in subsection (3) would be effective under law other than this chapter but is ineffective under subsection (1) or (3), the creation, attachment, or perfection of a security interest in the promissory note, health-care-insurance receivable, or general intangible:

(a) is not enforceable against the person obligated on the promissory note or the account debtor;

(b) does not impose a duty or obligation on the person obligated on the promissory note or the account debtor;

(c) does not require the person obligated on the promissory note or the account debtor to recognize the security interest, pay or render performance to the secured party, or accept payment or performance from the secured party;

(d) does not entitle the secured party to use or assign the debtor's rights under the promissory note, health-care-insurance receivable, or general intangible, including any related information or materials furnished to the debtor in the transaction giving rise to the promissory note, health-care-insurance receivable, or general intangible;

(e) does not entitle the secured party to use, assign, possess, or have access to any trade secrets or confidential information of the person obligated on the promissory note or the account debtor; and

(f) does not entitle the secured party to enforce the security interest in the promissory note, health-care-insurance receivable, or general intangible.

(5) Subsections (1) and (3) do not apply to the assignment or transfer or the creation, attachment, or perfection of a security interest in:

(a) a claim or right to receive compensation for injuries or sickness as described in 26 U.S.C. 104(a)(2);

(b) a claim or right to receive benefits under a special needs trust as described in 42 U.S.C. 1396p(d)(4).

(6) This section prevails over any inconsistent provisions of other statutes or rules.

(7) This section does not apply to a security interest in an ownership interest in a general partnership, limited partnership, or limited liability company.

(8) In this section, "promissory note" includes a negotiable instrument that evidences chattel paper."

Section 79. Section 30-9A-509, MCA, is amended to read:

"**30-9A-509. Persons entitled to file record.** (1) A person may file an initial financing statement, an amendment that adds collateral covered by a financing statement, or an amendment that adds a debtor to a financing statement only if:

(a) the debtor authorizes the filing in ~~an authenticated~~ *a signed* record or pursuant to subsection (2) or (3); or

(b) the person holds an agricultural lien that has become effective at the time of filing and the financing statement covers only collateral in which the person holds an agricultural lien.

(2) By ~~authenticating~~ *signing or becoming bound as debtor by* a security agreement, a debtor authorizes the filing of an initial financing statement and an amendment covering:

(a) the collateral described in the security agreement; and

(b) property that becomes collateral under 30-9A-315(1)(b), whether or not the security agreement expressly covers proceeds.

(3) A person may file an amendment other than an amendment that adds collateral covered by a financing statement or an amendment that adds a debtor to a financing statement only if:

(a) the secured party of record authorizes the filing; or

(b) the amendment is a termination statement for a financing statement as to which the secured party of record has failed to file or send a termination statement as required by 30-9A-513(1) or (3), the debtor authorizes the filing, and the termination statement indicates that the debtor authorized it to be filed.

(4) If there is more than one secured party of record for a financing statement, each secured party of record may authorize the filing of an amendment under subsection (3)."

Section 80. Section 30-9A-513, MCA, is amended to read:

"**30-9A-513. Termination statement.** (1) A secured party shall cause the secured party of record for a financing statement to file a termination statement for the financing statement if the financing statement covers consumer goods and:

(a) there is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation, or otherwise give value; or

(b) the debtor did not authorize the filing of the initial financing statement.

(2) To comply with subsection (1), a secured party shall cause the secured party of record to file the termination statement:

(a) within 1 month after there is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation, or otherwise give value; or

(b) if earlier, within 20 days after the secured party receives ~~an authenticated~~ *a signed* demand from a debtor.

(3) In cases not governed by subsection (1), within 20 days after a secured party receives ~~an authenticated~~ *a signed* demand from a debtor, the secured party shall cause the secured party of record for a financing statement to send to the debtor a termination statement for the financing statement or file the termination statement in the filing office if:

(a) except in the case of a financing statement covering accounts or chattel paper that has been sold or goods that are the subject of a consignment, there is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation, or otherwise give value;

(b) the financing statement covers accounts or chattel paper that has been sold but as to which the account debtor or other person obligated has discharged its obligation;

(c) the financing statement covers goods that were the subject of a consignment to the debtor but are not in the debtor's possession; or

(d) the debtor did not authorize the filing of the initial financing statement.

(4) Except as otherwise provided in 30-9A-510, upon the filing of a termination statement with the filing office, the financing statement to which the termination statement relates ceases to be effective. Except as otherwise provided in 30-9A-510, for purposes of 30-9A-519(7), 30-9A-522(1), and 30-9A-523(3), the filing with the filing office of a termination statement relating to a financing statement that indicates that the debtor is a transmitting utility also causes the effectiveness of the financing statement to lapse."

Section 81. Section 30-9A-601, MCA, is amended to read:

"**30-9A-601. Rights after default -- judicial enforcement -- consignor or buyer of accounts, chattel paper, payment intangibles, or promissory notes.** (1) After default, a secured party has the rights provided in this part and, except as otherwise provided in 30-9A-602, those provided by agreement of the parties. A secured party:

(a) may reduce a claim to judgment, foreclose, or otherwise enforce the claim, security interest, or agricultural lien by any available judicial procedure; and

(b) if the collateral is documents, may proceed either as to the documents or as to the goods they cover.

(2) A secured party in possession of collateral or control of collateral under 30-7-107, 30-9A-104, 30-9A-105, 30-9A-106, ~~or~~ 30-9A-107*, or [section 48]* has the rights and duties provided in 30-9A-207.

(3) The rights under subsections (1) and (2) are cumulative and may be exercised simultaneously.

(4) Except as otherwise provided in 30-9A-605 and subsection (7) of this section, after default, a debtor and an obligor have the rights provided in this part and by agreement of the parties.

(5) If a secured party has reduced its claim to judgment, the lien of any levy that may be made upon the collateral by virtue of an execution based upon the judgment relates back to the earliest of:

(a) the date of perfection of the security interest or agricultural lien in the collateral;

(b) the date of filing a financing statement covering the collateral; or

(c) any date specified in a statute under which the agricultural lien was created.

(6) A sale pursuant to an execution is a foreclosure of the security interest or agricultural lien by judicial procedure within the meaning of this section. A

secured party may purchase at the sale and thereafter hold the collateral free of any other requirements of this chapter.

(7) Except as otherwise provided in 30-9A-607(3), this part imposes no duties upon a secured party that is a consignor or is a buyer of accounts, chattel paper, payment intangibles, or promissory notes."

Section 82. Section 30-9A-605, MCA, is amended to read:

"**30-9A-605. Unknown debtor or secondary obligor.** ~~A~~ *(1) Except as provided in subsection (2), a* secured party does not owe a duty based on its status as secured party:

~~(1)~~*(a)* to a person that is a debtor or obligor, unless the secured party knows:

~~(a)~~*(i)* that the person is a debtor or obligor;

~~(b)~~*(ii)* the identity of the person; and

~~(c)~~*(iii)* how to communicate with the person; or

~~(2)~~*(b)* to a secured party or lienholder that has filed a financing statement against the person unless the secured party knows:

~~(a)~~*(i)* that a person is a debtor; and

~~(b)~~*(ii)* the identity of the person.

(2) A secured party owes a duty based on its status as a secured party to a person if, at the time the secured party obtains control of collateral that is a controllable account, controllable electronic record, or controllable payment intangible or at the time the security interest attaches to the collateral, whichever is later:

(a) the person is a debtor or obligor; and

(b) the secured party knows that the information in subsection (1)(a)(i), (1)(a)(ii), or (1)(a)(iii) relating to the person is not provided by the collateral, a record attached to or logically associated with the collateral, or the system in which the collateral is recorded."

Section 83. Section 30-9A-608, MCA, is amended to read:

"**30-9A-608. Application of proceeds of collection or enforcement – liability for deficiency and right to surplus.** (1) If a security interest or agricultural lien secures payment or performance of an obligation, the following rules apply:

(a) A secured party shall apply or pay over for application the cash proceeds of collection or enforcement under 30-9A-607 in the following order to:

(i) the reasonable expenses of collection and enforcement and, to the extent provided for by agreement and not prohibited by law, reasonable attorneys fees and legal expenses incurred by the secured party;

(ii) the satisfaction of obligations secured by the security interest or agricultural lien under which the collection or enforcement is made; and

(iii) the satisfaction of obligations secured by any subordinate security interest in or other lien on the collateral subject to the security interest or agricultural lien under which the collection or enforcement is made if the secured party receives ~~an authenticated~~ *a signed* demand for proceeds before distribution of the proceeds is completed.

(b) If requested by a secured party, a holder of a subordinate security interest or other lien shall furnish reasonable proof of the interest or lien within a reasonable time. Unless the holder complies, the secured party need not comply with the holder's demand under subsection (1)(a)(iii).

(c) A secured party need not apply or pay over for application the noncash proceeds of collection and enforcement under 30-9A-607 unless the failure to do so would be commercially unreasonable. A secured party that applies or pays over for application noncash proceeds shall do so in a commercially reasonable manner.

(d) A secured party shall account to and pay a debtor for any surplus, and the obligor is liable for any deficiency.

(2) If the underlying transaction is a sale of accounts, chattel paper, payment intangibles, or promissory notes, the debtor is not entitled to any surplus and the obligor is not liable for any deficiency."

Section 84. Section 30-9A-611, MCA, is amended to read:

"**30-9A-611. Notification before disposition of collateral.** (1) In this section, "notification date" means the earlier of the date on which:

(a) a secured party sends to the debtor and any secondary obligor ~~an authenticated~~ *a signed* notification of disposition; or

(b) the debtor and any secondary obligor waive the right to notification.

(2) Except as otherwise provided in subsection (4), a secured party that disposes of collateral under 30-9A-610 shall send to the persons specified in subsection (3) a reasonable ~~authenticated~~ *signed* notification of disposition.

(3) To comply with subsection (2), the secured party shall send ~~an authenticated~~ *a signed* notification of disposition to:

(a) the debtor;

(b) any secondary obligor; and

(c) if the collateral is other than consumer goods:

(i) any other person from which the secured party has received, before the notification date, ~~an authenticated~~ *a signed* notification of a claim of an interest in the collateral;

(ii) any other secured party that, 10 days before the notification date, held a security interest in or agricultural lien on the collateral perfected by the filing of a financing statement that:

(A) identified the collateral;

(B) was indexed under the debtor's name as of that date; and

(C) was filed in the office in which to file a financing statement against the debtor covering the collateral as of that date; and

(iii) any other secured party that, 10 days before the notification date, held a security interest in the collateral perfected by compliance with a statute, regulation, or treaty described in 30-9A-311(1).

(4) Subsection (2) does not apply if the collateral is perishable or threatens to decline speedily in value or is of a type customarily sold on a recognized market.

(5) A secured party complies with the requirement for notification prescribed in subsection (3)(c)(ii) if:

(a) not later than 20 days or earlier than 30 days before the notification date, the secured party requests, in a commercially reasonable manner, information concerning financing statements indexed under the debtor's name in the office indicated in subsection (3)(c)(ii); and

(b) before the notification date, the secured party:

(i) did not receive a response to the request for information; or

(ii) received a response to the request for information and sent ~~an authenticated~~ *a signed* notification of disposition to each secured party named in that response and whose financing statement covered the collateral."

Section 85. Section 30-9A-613, MCA, is amended to read:

"**30-9A-613. Contents and form of notification before disposition of collateral -- general.** (1) Except in a consumer-goods transaction, the following rules apply:

(a) The contents of a notification of disposition are sufficient if the notification:

(i) describes the debtor and the secured party;

(ii) describes the collateral that is the subject of the intended disposition;

(iii) states the method of intended disposition;

(iv) states that the debtor is entitled to an accounting of the unpaid indebtedness and states the charge, if any, for an accounting; and

(v) states the time and place of a public disposition or the time after which any other disposition is to be made.

(b) Whether the contents of a notification that lacks any of the information set forth in subsection (1) are nevertheless sufficient is a question of fact.

(c) The contents of a notification providing substantially the information specified in subsection (1) are sufficient, even if the notification includes:

(i) information not specified by that subsection; or

(ii) minor errors that are not seriously misleading.

(d) A particular phrasing of the notification is not required.

(2) The following form of notification and the form appearing in 30-9A-614~~(3)~~*(1)(c)*, when completed *in accordance with the instructions in 30-9A-614(2) and subsection (3) of this section*, each provides sufficient information:

~~NOTIFICATION OF DISPOSITION OF COLLATERAL~~

~~To:[Name of debtor, obligor, or other person to which the notification is sent]~~

~~From:[Name, address, and telephone number of secured party]~~

~~Name of Debtor(s):[Include only if debtor(s) are not an addressee]~~

~~[For a public disposition:]~~

~~We will sell [or lease or license, as applicable] the [describe collateral] [to the highest qualified bidder] in public as follows:~~

~~Day and Date:.....~~

~~Time:.....~~

~~Place:.....~~

~~[For a private disposition:]~~

~~We will sell [or lease or license, as applicable] the [describe collateral] privately sometime after [day and date].~~

~~You are entitled to an accounting of the unpaid indebtedness secured by the property that we intend to sell [or lease or license, as applicable] [for a charge of $.....]. You may request an accounting by calling us at [telephone number]~~

~~[End of Form]~~

NOTIFICATION OF DISPOSITION OF COLLATERAL

To: (Name of debtor, obligor, or other person to which the notification is sent)

From: (Name, address, and telephone number of secured party)

[1] Name of any debtor that is not an addressee: (Name of each debtor)

[2] We will sell (describe collateral) (to the highest qualified bidder) at public sale. A sale could include a lease or license. The sale will be held as follows:

(Date)

(Time)

(Place)

[3] We will sell (describe collateral) at private sale sometime after (date). A sale could include a lease or license.

[4] You are entitled to an accounting of the unpaid indebtedness secured by the property that we intend to sell or, as applicable, lease or license.

[5] If you request an accounting you must pay a charge of $ (amount).

[6] You may request an accounting by calling us at (telephone number).

[End of Form]

(3) The following instructions apply to the form of notification in subsection (2):

(a) The instructions in this subsection (3) refer to the numbers in brackets before items in the form of notification in subsection (2). Do not include the

numbers or brackets in the notification. The numbers and brackets are used only for the purpose of these instructions.

(b) Include and complete item [1] only if there is a debtor that is not an addressee of the notification and list the name or names.

(c) Include and complete either item [2], if the notification relates to a public disposition of the collateral, or item [3], if the notification relates to a private disposition of the collateral. If item [2] is included, include the words "to the highest qualified bidder" only if applicable.

(d) Include and complete items [4] and [6].

(e) Include and complete item [5] only if the sender will charge the recipient for an accounting."

Section 86. Section 30-9A-614, MCA, is amended to read:

"**30-9A-614. Contents and form of notification before disposition of collateral -- consumer-goods transaction.** *(1)* In a consumer-goods transaction, the following rules apply:

~~(1)~~*(a)* A notification of disposition must provide the following information:

~~(a)~~*(i)* the information specified in 30-9A-613(1)~~(a)~~;

~~(b)~~*(ii)* a description of any liability for a deficiency of the person to which the notification is sent;

~~(c)~~*(iii)* a telephone number from which the amount that must be paid to the secured party to redeem the collateral under 30-9A-623 is available; and

~~(d)~~*(iv)* a telephone number or mailing address from which additional information concerning the disposition and the obligation secured is available.

~~(2)~~*(b)* A particular phrasing of the notification is not required.

~~(3)~~*(c)* The following form of notification, when completed *in accordance with the instructions in subsection (2)*, provides sufficient information:

~~[Name and address of secured party]~~

~~[Date]~~

~~NOTICE OF OUR PLAN TO SELL PROPERTY~~

~~[Name and address of any obligor who is also a debtor]~~

~~Subject: [Identification of Transaction]~~

~~We have your [describe collateral], because you broke promises in our agreement.~~

~~[For a public disposition:]~~

~~We will sell [describe collateral] at public sale. A sale could include a lease or license. The sale will be held as follows:~~

~~Date:.....~~

~~Time:.....~~

~~Place:.....~~

~~You may attend the sale and bring bidders if you want.~~

~~[For a private disposition:]~~

~~We will sell [describe collateral] at private sale sometime after [date]. A sale could include a lease or license.~~

~~The money that we get from the sale (after paying our costs) will reduce the amount you owe. If we get less money than you owe, you [will or will not, as applicable] still owe us the difference. If we get more money than you owe, you will get the extra money, unless we must pay it to someone else.~~

~~You can get the property back at any time before we sell it by paying us the full amount you owe (not just the past due payments), including our expenses. To learn the exact amount you must pay, call us at [telephone number].~~

~~If you want us to explain to you in writing how we have figured the amount that you owe us, you may call us at [telephone number] or write us at [secured party's address] and request a written explanation. [We will charge you $.... for~~

~~the explanation if we sent you another written explanation of the amount you owe us within the last six months.]~~

~~If you need more information about the sale call us at [telephone number] or write us at [secured party's address].~~

~~We are sending this notice to the following other people who have an interest in [describe collateral] or who owe money under your agreement: [Names of all other debtors and obligors, if any]~~

~~[End of Form]~~

(Name and address of secured party)

(Date)

NOTICE OF OUR PLAN TO SELL PROPERTY

(Name and address of any obligor who is also a debtor)

Subject: (Identify transaction)

We have your (describe collateral) because you broke promises in our agreement.

[1] We will sell (describe collateral) at public sale. A sale could include a lease or license. The sale will be held as follows:

(Date)

(Time)

(Place)

You may attend the sale and bring bidders if you want.

[2] We will sell (describe collateral) at private sale sometime after (date). A sale could include a lease or license.

[3] The money that we get from the sale, after paying our costs, will reduce the amount you owe. If we get less money than you owe, you (will or will not, as applicable) still owe us the difference. If we get more money than you owe, you will get the extra money, unless we must pay it to someone else.

[4] You can get the property back at any time before we sell it by paying us the full amount you owe, not just the past due payments, including our expenses. To learn the exact amount you must pay, call us at (telephone number).

[5] If you want us to explain to you in (writing) (writing or in (description of electronic record)) (description of electronic record) how we have figured the amount that you owe us, [6] call us at (telephone number) (or) (write us at (secured party's address)) (or contact us by (description of electronic communication method)) [7] and request (a written explanation) (a written explanation or an explanation in (description of electronic record)) (an explanation in (description of electronic record)).

[8] We will charge you $ (amount) for the explanation if we sent you another written explanation of the amount you owe us within the last 6 months.

[9] If you need more information about the sale (call us at (telephone number)) (or) (write us at (secured party's address)) (or contact us by (description of electronic communication method)).

[10] We are sending this notice to the following other people who have an interest in (describe collateral) or who owe money under your agreement:

(Names of all other debtors and obligors, if any)

[End of Form]

~~(4)~~*(d)* A notification in the form of subsection ~~(3)~~ *(1)(c)* is sufficient, even if additional information appears at the end of the form.

~~(5)~~*(e)* A notification in the form of subsection ~~(3)~~ *(1)(c)* is sufficient, even if it includes errors in information not required by subsection ~~(1)~~ *(1)(a)*, unless the error is misleading with respect to rights arising under this chapter.

~~(6)~~*(f)* If a notification under this section is not in the form of subsection ~~(3)~~ *(1)(c)*, law other than this chapter determines the effect of including information not required by subsection ~~(1)~~ *(1)(a)*.

(2) The following instructions apply to the form of notification in subsection (1)(c):

(a) The instructions in this subsection refer to the numbers in brackets before items in the form of notification in subsection (1)(c). Do not include the numbers or brackets in the notification. The numbers and brackets are used only for the purpose of these instructions.

(b) Include and complete either item [1], if the notification relates to a public disposition of the collateral, or item [2], if the notification relates to a private disposition of the collateral.

(c) Include and complete items [3], [4], [5], [6], and [7].

(d) In item [5], include and complete any one of the three alternative methods for the explanation—writing, writing or electronic record, or electronic record.

(e) In item [6], include the telephone number. In addition, the sender may include and complete either or both of the two additional alternative methods of communication—writing or electronic communication—for the recipient of the notification to communicate with the sender. Neither of the two additional methods of communication is required to be included.

(f) In item [7], include and complete the method or methods for the explanation—writing, writing or electronic record, or electronic record—included in item [5].

(g) Include and complete item [8] only if a written explanation is included in item [5] as a method for communicating the explanation and the sender will charge the recipient for another written explanation.

(h) In item [9], include either the telephone number or the address or both the telephone number and the address. In addition, the sender may include and complete the additional method of communication—electronic communication—for the recipient of the notification to communicate with the sender. The additional method of electronic communication is not required to be included.

(i) If item [10] does not apply, insert "None" after "agreement:"."

Section 87. Section 30-9A-615, MCA, is amended to read:

"**30-9A-615. Application of proceeds of disposition -- liability for deficiency and right to surplus.** (1) A secured party shall apply or pay over for application the cash proceeds of disposition under 30-9A-610 in the following order to:

(a) the reasonable expenses of retaking, holding, preparing for disposition, processing, and disposing, and to the extent provided for by agreement and not prohibited by law, reasonable ~~attorneys~~ *attorney* fees and legal expenses incurred by the secured party;

(b) the satisfaction of obligations secured by the security interest or agricultural lien under which the disposition is made;

(c) the satisfaction of obligations secured by any subordinate security interest in or other lien on the collateral if:

(i) the secured party receives from the holder of the subordinate security interest ~~an authenticated~~ *a signed* demand for proceeds before distribution of the proceeds is completed; and

(ii) if a consignor has an interest in the collateral, the subordinate security interest or lien is senior to the interest of the consignor; and

(d) a secured party that is a consignor of the collateral if the secured party receives from the consignor ~~an authenticated~~ *a signed* demand for proceeds before distribution of the proceeds is completed.

(2) If requested by a secured party, a holder of a subordinate security interest or other lien shall furnish reasonable proof of the interest or lien

within a reasonable time. Unless the holder does so, the secured party need not comply with the holder's demand under subsection (1)(c).

(3) A secured party need not apply or pay over for application noncash proceeds of disposition under 30-9A-610 unless the failure to do so would be commercially unreasonable. A secured party that applies or pays over for application noncash proceeds shall do so in a commercially reasonable manner.

(4) If the security interest under which a disposition is made secures payment or performance of an obligation, after making the payments and applications required by subsection (1) and permitted by subsection (3):

(a) unless subsection (1)(d) requires the secured party to apply or pay over cash proceeds to a consignor, the secured party shall account to and pay a debtor for any surplus; and

(b) the obligor is liable for any deficiency.

(5) If the underlying transaction is a sale of accounts, chattel paper, payment intangibles, or promissory notes:

(a) the debtor is not entitled to any surplus; and

(b) the obligor is not liable for any deficiency.

(6) The surplus or deficiency following a disposition is calculated based on the amount of proceeds that would have been realized in a disposition complying with the requirements of this part to a transferee other than the secured party, a person related to the secured party, or a secondary obligor if:

(a) the transferee in the disposition is the secured party, a person related to the secured party, or a secondary obligor; and

(b) the amount of proceeds of the disposition is significantly below the range of proceeds that a complying disposition to a person other than the secured party, a person related to the secured party, or a secondary obligor would have brought.

(7) A secured party that receives cash proceeds of a disposition in good faith and without knowledge that the receipt violates the rights of the holder of a security interest or other lien that is not subordinate to the security interest or agricultural lien under which the disposition is made:

(a) takes the cash proceeds free of the security interest or other lien;

(b) is not obligated to apply the proceeds of the disposition to the satisfaction of obligations secured by the security interest or other lien; and

(c) is not obligated to account to or pay the holder of the security interest or other lien for any surplus."

Section 88. Section 30-9A-616, MCA, is amended to read:

"**30-9A-616. Explanation of calculation of surplus or deficiency.** (1) In this section, the following definitions apply:

(a) "Explanation" means a ~~writing~~ *record* that:

(i) states the amount of the surplus or deficiency;

(ii) provides an explanation in accordance with subsection (3) of how the secured party calculated the surplus or deficiency;

(iii) states, if applicable, that future debits, credits, charges, including additional credit service charges or interest rebates, and expenses may affect the amount of the surplus or deficiency; and

(iv) provides a telephone number or mailing address from which additional information concerning the transaction is available.

(b) "Request" means a record:

(i) ~~authenticated~~ *signed* by a debtor or consumer obligor;

(ii) requesting that the recipient provide an explanation; and

(iii) sent after disposition of the collateral under 30-9A-610.

(2) In a consumer-goods transaction in which the debtor is entitled to a surplus or a consumer obligor is liable for a deficiency under 30-9A-615, the secured party shall:

(a) send an explanation to the debtor or consumer obligor, as applicable, after the disposition and:

(i) before or when the secured party accounts to the debtor and pays any surplus or first makes ~~written~~ demand *in a record* on the consumer obligor after the disposition for payment of the deficiency; and

(ii) within 14 days after receipt of a request; or

(b) in the case of a consumer obligor who is liable for a deficiency, within 14 days after receipt of a request, send to the consumer obligor a record waiving the secured party's right to a deficiency.

(3) To comply with subsection (1)(a)(ii), ~~a writing~~ *an explanation* must provide the following information in the following order:

(a) the aggregate amount of obligations secured by the security interest under which the disposition was made, and if the amount reflects a rebate of unearned interest or credit service charge, an indication of that fact, calculated as of a specified date:

(i) if the secured party takes or receives possession of the collateral after default, not more than 35 days before the secured party takes or receives possession; or

(ii) if the secured party takes or receives possession of the collateral before default or does not take possession of the collateral, not more than 35 days before the disposition;

(b) the amount of proceeds of the disposition;

(c) the aggregate amount of the obligations after deducting the amount of proceeds;

(d) the amount, in the aggregate or by type, and types of expenses, including expenses of retaking, holding, preparing for disposition, processing, and disposing of the collateral, and ~~attorneys~~ *attorney* fees secured by the collateral that are known to the secured party and relate to the current disposition;

(e) the amount, in the aggregate or by type, and types of credits, including rebates of interest or credit service charges, to which the obligor is known to be entitled and that are not reflected in the amount in subsection (3)(a); and

(f) the amount of the surplus or deficiency.

(4) A particular phrasing of the explanation is not required. An explanation complying substantially with the requirements of subsection (1)(a) is sufficient, even if it includes minor errors that are not seriously misleading.

(5) A debtor or consumer obligor is entitled without charge to one response to a request under this section during any 6-month period in which the secured party did not send to the debtor or consumer obligor an explanation pursuant to subsection (2)(a). The secured party may require payment of a charge not exceeding $25 for each additional response."

Section 89. Section 30-9A-619, MCA, is amended to read:

"**30-9A-619. Transfer of record or legal title.** (1) In this section, "transfer statement" means a record ~~authenticated~~ *signed* by a secured party stating:

(a) that the debtor has defaulted in connection with an obligation secured by specified collateral;

(b) that the secured party has exercised its postdefault remedies with respect to the collateral;

(c) that, by reason of the exercise, a transferee has acquired the rights of the debtor in the collateral; and

(d) the name and mailing address of the secured party, debtor, and transferee.

(2) A transfer statement entitles the transferee to the transfer of record of all rights of the debtor in the collateral specified in the statement in any official filing, recording, registration, or certificate of title system covering the collateral. If a transfer statement is presented with the applicable fee and request form to the official or office responsible for maintaining the system, the official or office shall:

(a) accept the transfer statement;

(b) promptly amend its records to reflect the transfer; and

(c) if applicable, issue a new appropriate certificate of title in the name of transferee.

(3) A transfer of the record or legal title to collateral to a secured party under subsection (2) or otherwise is not of itself a disposition of collateral under this chapter and does not of itself relieve the secured party of its duties under this chapter."

Section 90. Section 30-9A-620, MCA, is amended to read:

"**30-9A-620. Acceptance of collateral in full or partial satisfaction -- compulsory disposition of collateral.** (1) Except as otherwise provided in subsection (7), a secured party may accept collateral in full or partial satisfaction of the obligation it secures only if:

(a) the debtor consents to the acceptance under subsection (3);

(b) the secured party does not receive, within the time set forth in subsection (4), a notification of objection to the proposal ~~authenticated~~ *signed* by:

(i) a person to which the secured party was required to send a proposal under 30-9A-621; or

(ii) any other person, other than the debtor, holding an interest in the collateral subordinate to the security interest that is the subject of the proposal;

(c) if the collateral is consumer goods, the collateral is not in the possession of the debtor when the debtor consents to the acceptance; and

(d) subsection (5) does not require the secured party to dispose of the collateral.

(2) A purported or apparent acceptance of collateral under this section is ineffective unless:

(a) the secured party consents to the acceptance in ~~an authenticated~~ *a signed* record or sends a proposal to the debtor; and

(b) the conditions of subsection (1) are met.

(3) For purposes of this section:

(a) a debtor consents to an acceptance of collateral in partial satisfaction of the obligation it secures only if the debtor agrees to the terms of the acceptance in a record ~~authenticated~~ *signed* after default; and

(b) a debtor consents to an acceptance of collateral in full satisfaction of the obligation it secures only if the debtor agrees to the terms of the acceptance in a record ~~authenticated~~ *signed* after default or the secured party:

(i) sends to the debtor after default a proposal that is unconditional or subject only to a condition that collateral not in the possession of the secured party be preserved or maintained;

(ii) in the proposal, proposes to accept collateral in full satisfaction of the obligation it secures; and

(iii) does not receive a notification of objection ~~authenticated~~ *signed* by the debtor within 20 days after the proposal is sent.

(4) To be effective under subsection (1)(b), a notification of objection must be received by the secured party:

(a) in the case of a person to which the proposal was sent pursuant to 30-9A-621, within 20 days after notification was sent to that person; and

(b) in other cases:

(i) within 20 days after the last notification was sent pursuant to 30-9A-621; or

(ii) if a notification was not sent, before the debtor consents to the acceptance under subsection (3).

(5) A secured party that has taken possession of collateral shall dispose of the collateral pursuant to 30-9A-610 within the time specified in subsection (6) if:

(a) 60% of the cash price has been paid in the case of a purchase-money security interest in consumer goods; or

(b) 60% of the principal amount of the obligation secured has been paid in the case of a nonpurchase-money security interest in consumer goods.

(6) To comply with subsection (5), the secured party shall dispose of the collateral:

(a) within 90 days after taking possession; or

(b) within any longer period to which the debtor and all secondary obligors have agreed *in an agreement to that effect entered into and signed after default* ~~by authenticating a record including a statement to that effect after default~~.

(7) In a consumer transaction, a secured party may not accept collateral in partial satisfaction of the obligation it secures."

Section 91. Section 30-9A-621, MCA, is amended to read:

"**30-9A-621. Notification of proposal to accept collateral.** (1) A secured party that desires to accept collateral in full or partial satisfaction of the obligation it secures shall send its proposal to:

(a) any person from which the secured party has received, before the debtor consented to the acceptance, ~~an authenticated~~ *a signed* notification of a claim of an interest in the collateral;

(b) any other secured party or lienholder that, 10 days before the debtor consented to the acceptance, held a security interest in or other lien on the collateral perfected by the filing of a financing statement that:

(i) identified the collateral;

(ii) was indexed under the debtor's name as of that date; and

(iii) was filed in the office or offices in which to file a financing statement against the debtor covering the collateral as of that date; and

(c) any other secured party that, 10 days before the debtor consented to the acceptance, held a security interest in the collateral perfected by compliance with a statute, regulation, or treaty described in 30-9A-311(1).

(2) A secured party that desires to accept collateral in partial satisfaction of the obligation it secures shall send its proposal to any secondary obligor in addition to the persons described in subsection (1)."

Section 92. Section 30-9A-624, MCA, is amended to read:

"**30-9A-624. Waiver.** (1) A debtor or secondary obligor may waive the right to notification of disposition of collateral under 30-9A-611 only by ~~authenticating~~ an agreement to that effect entered into and ~~authenticated~~ *signed* after default.

(2) A debtor may waive the right to require disposition of collateral under 30-9A-620(5) only by an agreement to that effect entered into and ~~authenticated~~ *signed* after default.

(3) Except in a consumer-goods transaction, a debtor or secondary obligor may waive the right to redeem collateral under 30-9A-623 only by an agreement to that effect *entered into and signed* after default."

Section 93. Section 30-9A-628, MCA, is amended to read:

"**30-9A-628. Nonliability and limitation on liability of secured party -- liability of secondary obligor.** (1) ~~Unless~~ *Subject to subsection (6), unless* a secured party knows that a person is a debtor or obligor, knows the identity of the person, and knows how to communicate with the person:

(a) the secured party is not liable to the person, or to a secured party or lienholder that has filed a financing statement against the person, for failure to comply with this chapter; and

(b) the secured party's failure to comply with this chapter does not affect the liability of the person for a deficiency.

(2) ~~A~~ *Subject to subsection (6), a* secured party is not liable because of its status as a secured party:

(a) to a person that is a debtor or obligor, unless the secured party knows:

(i) that the person is a debtor or obligor;

(ii) the identity of the person; and

(iii) how to communicate with the person; or

(b) to a secured party or lienholder that has filed a financing statement against a person, unless the secured party knows:

(i) that the person is a debtor; and

(ii) the identity of the person.

(3) A secured party is not liable to any person, and a person's liability for a deficiency is not affected, because of any act or omission arising out of the secured party's reasonable belief that a transaction is not a consumer-goods transaction or a consumer transaction or that goods are not consumer goods if the secured party's belief is based on its reasonable reliance on:

(a) a debtor's representation concerning the purpose for which collateral was to be used, acquired, or held; or

(b) an obligor's representation concerning the purpose for which a secured obligation was incurred.

(4) A secured party is not liable to any person under 30-9A-625(3)(b) for its failure to comply with 30-9A-616.

(5) A secured party is not liable under 30-9A-625(3)(b) more than once with respect to any one secured obligation.

(6) Subsections (1) and (2) do not apply to limit the liability of a secured party to a person if, at the time the secured party obtains control of collateral that is a controllable account, controllable electronic record, or controllable payment intangible or at the time the security interest attaches to the collateral, whichever is later:

(a) the person is a debtor or obligor; and

(b) the secured party knows that the information in subsection (2)(a)(i), (2)(a)(ii), or (2)(a)(iii) relating to the person is not provided by the collateral, a record attached to or logically associated with the collateral, or the system in which the collateral is recorded."

Section 94. Title. [Sections 94 through 100] may be cited as the "Uniform Commercial Code--Controllable Electronic Records".

Section 95. Definitions. (1) As used in [sections 94 through 100], the following definitions apply:

(a) (i) "Controllable electronic record" means a record stored in an electronic medium that can be subjected to control under [section 98].

(ii) The term does not include a controllable account, a controllable payment intangible, a deposit account, an electronic copy of a record evidencing chattel paper, an electronic document of title, investment property, a transferable record, or an electronic record that is currently authorized or adopted by a domestic or foreign government and is not a medium of exchange that was

recorded and transferable in a system that existed and operated for the medium of exchange before the medium of exchange was authorized or adopted by a government.

(b) "Qualifying purchaser" means a purchaser of a controllable electronic record or an interest in a controllable electronic record that obtains control of the controllable electronic record for value, in good faith, and without notice of a claim of a property right in the controllable electronic record.

(c) "Transferable record" has the meaning provided for that term in:

(i) Section 201(a)(1) of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7021(a)(1); or

(ii) 30-18-115(1).

(d) "Value" has the meaning provided in 30-3-303(1), as if references in that subsection to an "instrument" were references to a controllable account, controllable electronic record, or controllable payment intangible.

(2) The definitions in Title 30, chapter 9A, of "account debtor", "controllable account", "controllable payment intangible", "chattel paper", "deposit account", and "investment property" apply to [sections 94 through 100].

(3) Title 30, chapter 1, contains general definitions and principles of construction and interpretation applicable throughout [sections 94 through 100].

Section 96. Relation to Title 30, chapter 9A, and consumer laws. (1) If there is conflict between Title 30, chapter 9A, and [sections 94 through 100], Title 30, chapter 9A, governs.

(2) A transaction subject to [sections 94 through 100] is subject to any applicable rule of law that establishes a different rule for consumers, Title 30, chapter 14, part 1, Title 31, chapter 1, and Title 32, chapter 6, part 1.

Section 97. Rights in controllable account, controllable electronic record, and controllable payment intangible. (1) This section applies to the acquisition and purchase of rights in a controllable account or controllable payment intangible, including the rights and benefits under subsections (3), (4), (5), (7), and (8) of a purchaser and qualifying purchaser, in the same manner this section applies to a controllable electronic record.

(2) To determine whether a purchaser of a controllable account or a controllable payment intangible is a qualifying purchaser, the purchaser obtains control of the account or payment intangible if it obtains control of the controllable electronic record that evidences the account or payment intangible.

(3) Except as provided in this section, law other than [sections 94 through 100] determines whether a person acquires a right in a controllable electronic record and the right the person acquires.

(4) A purchaser of a controllable electronic record acquires all rights in the controllable electronic record that the transferor had or had power to transfer, except that a purchaser of a limited interest in a controllable electronic record acquires rights only to the extent of the interest purchased.

(5) A qualifying purchaser acquires its rights in the controllable electronic record free of a claim of a property right in the controllable electronic record.

(6) Except as provided in subsections (1) and (5) for a controllable account and a controllable payment intangible or law other than [sections 94 through 100], a qualifying purchaser takes a right to payment, right to performance, or other interest in property evidenced by the controllable electronic record subject to a claim of a property right in the right to payment, right to performance, or other interest in property.

(7) An action may not be asserted against a qualifying purchaser based on both a purchase by the qualifying purchaser of a controllable electronic record and a claim of a property right in another controllable electronic record,

whether the action is framed in conversion, replevin, constructive trust, equitable lien, or other theory.

(8) Filing of a financing statement under Title 30, chapter 9A, is not notice of a claim of a property right in a controllable electronic record.

Section 98. Control of controllable electronic record. (1) A person has control of a controllable electronic record if the electronic record, a record attached to or logically associated with the electronic record, or a system in which the electronic record is recorded:

(a) gives the person:

(i) power to avail itself of substantially all the benefit from the electronic record; and

(ii) exclusive power, subject to subsection (2), to:

(A) prevent others from availing themselves of substantially all the benefit from the electronic record; and

(B) transfer control of the electronic record to another person or cause another person to obtain control of another controllable electronic record as a result of the transfer of the electronic record; and

(b) enables the person readily to identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as having the powers specified in subjection (1)(a).

(2) Subject to subsection (3), a power is exclusive under subsection (1)(a)(ii)(A) and (1)(a)(ii)(B) even if:

(a) the controllable electronic record, a record attached to or logically associated with the electronic record, or a system in which the electronic record is recorded limits the use of the electronic record or has a protocol programmed to cause a change, including a transfer or loss of control or a modification of benefits afforded by the electronic record; or

(b) the power is shared with another person.

(3) A power of a person is not shared with another person under subsection (2)(b) and the person's power is not exclusive if:

(a) the person can exercise the power only if the power also is exercised by the other person; and

(b) the other person:

(i) can exercise the power without exercise of the power by the person; or

(ii) is the transferor to the person of an interest in the controllable electronic record or a controllable account or controllable payment intangible evidenced by the controllable electronic record.

(4) If a person has the powers specified in subsections (1)(a)(ii)(A) and (1)(a)(ii)(B), the powers are presumed to be exclusive.

(5) A person has control of a controllable electronic record if another person, other than the transferor to the person of an interest in the controllable electronic record or a controllable account or controllable payment intangible evidenced by the controllable electronic record:

(a) has control of the electronic record and acknowledges that it has control on behalf of the person; or

(b) obtains control of the electronic record after having acknowledged that it will obtain control of the electronic record on behalf of the person.

(6) A person that has control under this section is not required to acknowledge that it has control on behalf of another person.

(7) If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or a law other than Title 30, chapter 9A, or [sections 94 through 100] otherwise provides, the person does not owe any duty to the other person and is not required to confirm the acknowledgment to any other person.

Section 99. Discharge of account debtor on controllable account or controllable payment intangible. (1) An account debtor on a controllable account or controllable payment intangible may discharge its obligation by paying:

(a) the person having control of the controllable electronic record that evidences the controllable account or controllable payment intangible; or

(b) except as provided in subsection (2), a person that formerly had control of the controllable electronic record.

(2) Subject to subsection (4), the account debtor may not discharge its obligation by paying a person that formerly had control of the controllable electronic record if the account debtor receives a notification that:

(a) is signed by a person that formerly had control or the person to which control was transferred;

(b) reasonably identifies the controllable account or controllable payment intangible;

(c) notifies the account debtor that control of the controllable electronic record that evidences the controllable account or controllable payment intangible was transferred;

(d) identifies the transferee, in any reasonable way, including by name, identifying number, cryptographic key, office, or account number; and

(e) provides a commercially reasonable method by which the account debtor is to pay the transferee.

(3) After receipt of a notification that complies with subsection (2), the account debtor may discharge its obligation by paying in accordance with the notification and may not discharge the obligation by paying a person that formerly had control.

(4) Subject to subsection (8), notification is ineffective under subsection (2):

(a) unless, before the notification is sent, the account debtor and the person that, at that time, had control of the controllable electronic record that evidences the controllable account or controllable payment intangible agree in a signed record to a commercially reasonable method by which a person may furnish reasonable proof that control has been transferred;

(b) to the extent an agreement between the account debtor and seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than [sections 94 through 100]; or

(c) at the option of the account debtor, if the notification notifies the account debtor to:

(i) divide a payment;

(ii) make less than the full amount of an installment or other periodic payment; or

(iii) pay any part of a payment by more than one method or to more than one person.

(5) Subject to subsection (8), if requested by the account debtor, the person giving the notification under subsection (2) seasonably shall furnish reasonable proof, using the method in the agreement referred to in subsection (4)(a), that control of the controllable electronic record has been transferred. Unless the person complies with the request, the account debtor may discharge its obligation by paying a person that formerly had control, even if the account debtor has received a notification under subsection (2).

(6) A person furnishes reasonable proof under subsection (5) that control has been transferred if the person demonstrates, using the method in the agreement referred to in subsection (4)(a), that the transferee has the power to:

(a) avail itself of substantially all the benefit from the controllable electronic record;

(b) prevent others from availing themselves of substantially all the benefit from the controllable electronic record; and

(c) transfer the powers specified in subsections (6)(a) and (6)(b) to another person.

(7) Subject to subsection (8), an account debtor may not waive or vary its rights under subsections (4)(a) and (5) or its option under subsection (4)(c).

(8) This section is subject to law other than [sections 94 through 100] which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

Section 100. Governing law. (1) (1) Except as provided in subsection (2), the local law of a controllable electronic record's jurisdiction governs a matter covered by [sections 94 through 100].

(2) For a controllable electronic record that evidences a controllable account or controllable payment intangible, the local law of the controllable electronic record's jurisdiction governs a matter covered by [section 99] unless an effective agreement determines that the local law of another jurisdiction governs.

(3) The following rules determine a controllable electronic record's jurisdiction under this section:

(a) If the controllable electronic record, or a record attached to or logically associated with the controllable electronic record and readily available for review, expressly provides that a particular jurisdiction is the controllable electronic record's jurisdiction for purposes of this code or [sections 94 through 100], that jurisdiction is the controllable electronic record's jurisdiction.

(b) If subsection (3)(a) does not apply and the rules of the system in which the controllable electronic record is recorded are readily available for review and expressly provide that a particular jurisdiction is the controllable electronic record's jurisdiction for purposes of this code or [sections 94 through 100], that jurisdiction is the controllable electronic record's jurisdiction.

(c) If subsections (3)(a) and (3)(b) do not apply and the controllable electronic record, or a record attached to or logically associated with the controllable electronic record and readily available for review, expressly provides that the controllable electronic record is governed by the law of a particular jurisdiction, that jurisdiction is the controllable electronic record's jurisdiction.

(d) If subsections (3)(a) through (3)(c) do not apply and the rules of the system in which the controllable electronic record is recorded are readily available for review and expressly provide that the controllable electronic record or the system is governed by the law of a particular jurisdiction, that jurisdiction is the controllable electronic record's jurisdiction.

(e) If subsections (3)(a) through (3)(d) do not apply, the controllable electronic record's jurisdiction is the District of Columbia.

(4) (a) If subsection (3)(e) applies and [sections 94 through 100] are not in effect in the District of Columbia without material modification, the governing law for a matter covered by [sections 94 through 100] is the law of the District of Columbia as though [sections 94 through 100] were in effect in the District of Columbia without material modification.

(b) In this subsection (4), "[sections 94 through 100]" means Article 12 of Uniform Commercial Code Amendments (2022).

(5) To the extent subsections (1) and (2) provide that the local law of the controllable electronic record's jurisdiction governs a matter covered by [sections 94 through 100], that law governs even if the matter or a transaction to which the matter relates does not bear any relation to the controllable electronic record's jurisdiction.

(6) The rights acquired under [section 95] by a purchaser or qualifying purchaser are governed by the law applicable under this section at the time of purchase.

Section 101. Title. [Sections 101 through 109] may be cited as the "Transitional Provisions for Uniform Commercial Code Amendments (2022)".

Section 102. Definitions. (1) In [sections 101 through 109], the following definitions apply:

(a) "Adjustment date" means July 1, 2025, or the date that is 1 year after [the effective date of this act], whichever is later.

(b) "[Sections 94 through 100]" means Chapter 12 of the Uniform Commercial Code.

(c) "Chapter 12 property" means a controllable account, controllable electronic record, or controllable payment intangible.

(2) The following definitions in other articles of the Uniform Commercial Code apply to [sections 101 through 109]:

(a) "Controllable account". 30-9A-102.

(b) "Controllable electronic record". [Section 95].

(c) "Controllable payment intangible". 30-9A-102.

(d) "Financing statement". 30-9A-102.

(3) Title 30, chapter 1, contains general definitions and principles of construction and interpretation applicable throughout [sections 101 through 109].

Section 103. Savings clause. Except as provided in [sections 102 through 107], a transaction validly entered into before [the effective date of this act] and the rights, duties, and interests flowing from the transaction remain valid thereafter and may be terminated, completed, consummated, or enforced as required or permitted by law other than the Uniform Commercial Code or, if applicable, the Uniform Commercial Code, as though [this act] had not taken effect.

Section 104. Savings clause. (1) Except as provided in [sections 102 through 107], Title 30, chapter 9A, as amended by [this act] and [sections 94 through 100] apply to a transaction, lien, or other interest in property, even if the transaction, lien, or interest was entered into, created, or acquired before [the effective date of this act].

(2) Except as provided in subsection (3) and [sections 103 through 107]:

(a) a transaction, lien, or interest in property that was validly entered into, created, or transferred before [the effective date of this act] and was not governed by the Uniform Commercial Code, but would be subject to Title 30, chapter 9A, as amended by [this act] or [sections 94 through 100] if it had been entered into, created, or transferred on or after [the effective date of this act], including the rights, duties, and interests flowing from the transaction, lien, or interest, remains valid on and after [the effective date of this act]; and

(b) the transaction, lien, or interest may be terminated, completed, consummated, and enforced as required or permitted by [this act] or by the law that would apply if [this act] had not taken effect.

(3) [This act] does not affect an action, case, or proceeding commenced before [the effective date of this act].

Section 105. Security interest perfected before effective date. (1) A security interest that is enforceable and perfected immediately before [the effective date of this act] is a perfected security interest under [this act] if, on [the effective date of this act], the requirements for enforceability and perfection under [this act] are satisfied without further action.

(2) If a security interest is enforceable and perfected immediately before [the effective date of this act], but the requirements for enforceability or

perfection under [this act] are not satisfied on [the effective date of this act], the security interest:

(a) is a perfected security interest until the earlier of the time perfection would have ceased under the law in effect immediately before [the effective date of this act] or the adjustment date;

(b) remains enforceable thereafter only if the security interest satisfies the requirements for enforceability under 30-9A-203, as amended by [this act], before the adjustment date; and

(c) remains perfected thereafter only if the requirements for perfection under [this act] are satisfied before the time specified in subsection (2)(a).

Section 106. Security interest unperfected before effective date. A security interest that is enforceable immediately before [the effective date of this act] but is unperfected at that time:

(1) remains an enforceable security interest until the adjustment date;

(2) remains enforceable thereafter if the security interest becomes enforceable under 30-9A-203, as amended by [this act], on [the effective date of this act] or before the adjustment date; and

(3) becomes perfected:

(a) without further action, on [the effective date of this act] if the requirements for perfection under [this act] are satisfied before or at that time; or

(b) when the requirements for perfection are satisfied if the requirements are satisfied after that time.

Section 107. Effectiveness of actions taken before effective date. (1) If action, other than the filing of a financing statement, is taken before [the effective date of this act] and the action would have resulted in perfection of the security interest had the security interest become enforceable before [the effective date of this act], the action is effective to perfect a security interest that attaches under [this act] before the adjustment date. An attached security interest becomes unperfected on the adjustment date unless the security interest becomes a perfected security interest under [this act] before the adjustment date.

(2) The filing of a financing statement before [the effective date of this act] is effective to perfect a security interest on [the effective date of this act] to the extent the filing would satisfy the requirements for perfection under [this act].

(3) The taking of an action before [the effective date of this act] is sufficient for the enforceability of a security interest on [the effective date of this act] if the action would satisfy the requirements for enforceability under [this act].

Section 108. Priority. (1) Subject to subsections (2) and (3), [this act] determines the priority of conflicting claims to collateral.

(2) Subject to subsection (3), if the priorities of claims to collateral were established before [the effective date of this act], Title 30, chapter 9A, as in effect before [the effective date of this act] determines priority.

(3) On the adjustment date, to the extent the priorities determined by Title 30, chapter 9A, as amended by [this act], modify the priorities established before [the effective date of this act], the priorities of claims to [sections 94 through 100] property established before [the effective date of this act] cease to apply.

Section 109. Priority of claims when priority rules of Title 30, chapter 9A, do not apply. (1) Subject to subsections (2) and (3), [sections 94 through 100] determine the priority of conflicting claims to [sections 94 through 100] property when the priority rules of Title 30, chapter 9A, as amended by [this act] do not apply.

(2) Subject to subsection (3), when the priority rules of Title 30, chapter 9A, as amended by [this act] do not apply and the priorities of claims to [sections 94 through 100] property were established before [the effective date of this act], law other than [sections 94 through 100] determines priority.

(3) When the priority rules of Title 30, chapter 9A, as amended by [this act] do not apply, to the extent the priorities determined by [this act] modify the priorities established before [the effective date of this act], the priorities of claims to [sections 94 through 100] property established before [the effective date of this act] cease to apply on the adjustment date.

Section 110. Section 71-3-125, MCA, is amended to read:

"**71-3-125. Filing of agricultural lien statements.** (1) Unless a statement of an agricultural lien has been filed in the office of the secretary of state as provided in this chapter, a buyer who, in ordinary course of business as defined in 30-1-201~~(2)(j)~~*(2)(i)*, buys a farm product takes it free of any lien created by this chapter even though the lien is otherwise perfected.

(2) A statement of an agricultural lien is sufficient if it:

(a) gives the names and addresses of the debtor and lienor;

(b) describes the type of lien and its statutory authority;

(c) describes the collateral;

(d) contains the notation by the secretary of state of the date of filing and filing number;

(e) is signed by the lienor;

(f) describes the service or product furnished. If the collateral is farm products, the statement must state the county in which the farm products are located, designated by type of farm product.

(g) states the price or wage agreed upon or, if the price or wage was not agreed upon, the reasonable value of the service or product furnished;

(h) states the amount remaining unpaid;

(i) states the terms and period of employment if it is a farm laborer's lien filed pursuant to part 4 of this chapter;

(j) describes the land upon which seed or grain was or will be sown, planted, or used if it is a lien for seed or grain filed pursuant to part 7 of this chapter;

(k) describes the land upon which the grain or crops were grown and the place the grain or crops are presently stored if it is a thresher's lien filed pursuant to part 8 of this chapter;

(l) describes the land upon which the service was performed if it is a lien for spraying or dusting filed pursuant to part 9 of this chapter; and

(m) states the starting date of insurance coverage if it is a lien filed pursuant to part 7 of this chapter.

(3) The agricultural lien statement must be in the form prescribed by the secretary of state.

(4) The secretary of state shall:

(a) record the agricultural lien statement on the centralized computer system as set forth in 30-9A-501; and

(b) establish fees for such recordings as set forth in 30-9A-525.

(5) For the purposes of this section, an agricultural lien means a lien under part 4, 7, 8, or 9 of this chapter.

(6) A statement of an agricultural lien or continuation statement that has been filed at the office of the county clerk and recorder lapses on March 31, 1990, unless prior to that date there is filed in the office of the secretary of state a certified copy of the statement and all related documents on file with the county clerk and recorder."

Section 111. Central bank digital currency -- approval by state. As applicable in this state, the term "money" does not include any central bank digital currency or any requirement to accept or use a central bank digital currency, unless the central bank digital currency is specifically recognized and approved by Montana law.

Section 112. Codification instruction. (1) [Section 48] is intended to be codified as 30-9A-107A, and the provisions of Title 30, chapters 1 through 9A, apply to [section 48].

(2) [Section 49] is intended to be codified as 30-9A-107B, and the provisions of Title 30, chapters 1 through 9A, apply to [section 49].

(3) [Section 59] is intended to be codified as 30-9A-306A, and the provisions of Title 30, chapters 1 through 9A, apply to [section 59].

(4) [Section 60] is intended to be codified as 30-9A-306B, and the provisions of Title 30, chapters 1 through 9A, apply to [section 60].

(5) [Section 65] is intended to be codified as 30-9A-314A, and the provisions of Title 30, chapters 1 through 9A, apply to [section 65].

(6) [Section 70] is intended to be codified as 30-9A-326A, and the provisions of Title 30, chapters 1 through 9A, apply to [section 70].

(7) [Sections 94 through 100] are intended to be codified as a new part in Title 30, chapter 12A, and the provisions of Title 30, chapters 1 through 9A, apply to [sections 94 through 100].

(8) [Sections 101 through 109] are intended to be codified as a new part in Title 30, chapter 12A, and the provisions of Title 30, chapters 1 through 9A, apply to [sections 101 through 109].

(9) [Sections 102 through 107] are intended to be codified as a new part in Title 30, chapter 9A, and the provisions of Title 30, chapters 1 through 9A, apply to [sections 102 through 107].

(10) [Section 110] is intended to be codified as a new part in Title 30, chapter 14, and the provisions of Title 30, chapter 14, apply to [section 110].

Section 113. Directions to code commissioner. The code commissioner is instructed to strike the reference to "tangible chattel paper" in 30-9A-338(2).

Section 114. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Approved April 17, 2025

CHAPTER NO. 201

[SB 368]

AN ACT PROVIDING FOR CORRECTION OF MINOR MAINTENANCE ITEMS AT CERTAIN MINES; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 82-4-251 AND 82-4-254, MCA; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 82-4-251, MCA, is amended to read:

"**82-4-251. Noncompliance -- suspension of permits.** (1) If it is determined on the basis of an inspection that the permittee is or that any condition or practice exists in violation of any requirement of this part or any permit condition required by this part that creates an imminent danger to

the health or safety of the public or is causing or can reasonably be expected to cause significant and imminent environmental harm to land, air, or water resources, the director of the department or an authorized representative shall immediately order cessation of the operation or the portion of the operation relevant to the condition, practice, or violation. The cessation order remains in effect until the director or an authorized representative determines that the condition, practice, or violation has been abated or until modified, vacated, or terminated by the director or an authorized representative pursuant to subsection ~~(5)~~ *(6)*. If the director or an authorized representative finds that the ordered cessation of the operation or any portion of the operation will not completely abate the imminent danger to the health or safety of the public or the significant and imminent environmental harm to land, air, or water resources, the director or the authorized representative shall, in addition to the cessation order, impose affirmative obligations requiring any steps that the director or the authorized representative considers necessary to abate the imminent danger or the significant environmental harm.

(2) When, on the basis of an inspection, the department determines that any permittee is in violation of any requirement of this part or any permit condition required by this part that does not create an imminent danger to the health or safety of the public or cannot be reasonably expected to cause significant and imminent environmental harm to land, air, or water resources, the director or an authorized representative shall issue a notice to the permittee or the permittee's agent fixing a reasonable time, not exceeding 90 days, for the abatement of the violation and providing opportunity for public hearing. If, upon expiration of the period of time as originally fixed or subsequently extended, for good cause shown and upon the written finding of the director or an authorized representative, the director or an authorized representative finds that the violation has not been abated, the director or an authorized representative shall immediately order a cessation of the operation or the portion of the operation relevant to the violation. The cessation order remains in effect until the director or an authorized representative determines that the violation has been abated or until modified, vacated, or terminated by the director or an authorized representative pursuant to subsection ~~(5)~~ *(6)*. In the order of cessation issued under this subsection, the director shall determine the steps necessary to abate the violation in the most expeditious manner possible and shall include the necessary measures in the order.

(3) (a) When, on the basis of an inspection, the director or an authorized representative determines that there is a minor maintenance item to be corrected, the director or the authorized representative shall issue a minor maintenance correction letter to alert the permittee of the necessary correction and provide the permittee with an opportunity to correct the item within 14 days. During the next regular inspection, the director or the authorized representative shall verify that the necessary correction has been completed.

(b) A minor maintenance item:

(i) is a permit violation that does not create an imminent danger to the health or safety of the public, and the director or a director's designee determines the violation is not reasonably expected to cause significant and imminent environmental harm to land, air, or water resources;

(ii) may be reasonably corrected by the permittee within 14 days to the satisfaction of the director or a designee;

(iii) does not, at the discretion of the director or a designee, necessitate a cessation order or public hearing, as required in subsection (2); and

(iv) is within the permit boundary.

(c) If a permittee fails to correct the minor maintenance item within 14 days or by the next regular inspection, whichever is later, the director or the director's designee shall issue a notice of noncompliance or an order of cessation pursuant to subsections (1) and (2).

~~(3)~~*(4)* When, on the basis of an inspection, the director or an authorized representative determines that a pattern of violations of any requirements of this part or any permit conditions required by this part exists or has existed and if the director or an authorized representative also finds that the violations are caused by the unwarranted failure of the permittee to comply with any requirements of this part or any permit conditions or that the violations are willfully caused by the permittee, the director or an authorized representative shall issue an order to the permittee to show cause as to why the permit should not be suspended or revoked and shall provide opportunity for a public hearing. If a hearing is requested, the director shall inform all interested parties of the time and place of the hearing. Upon the permittee's failure to show cause as to why the permit should not be suspended or revoked, the director or an authorized representative shall suspend or revoke the permit. A permittee may request a contested case hearing on a permit suspension or revocation by filing a request for hearing, specifying the grounds for the request, within 30 days of receipt of the order of suspension or revocation. The order is effective upon expiration of the period for requesting a hearing or, if a hearing is requested, upon issuance of a final order by the board. The hearing must be conducted in accordance with the requirements of Title 2, chapter 4, part 6. When a permit has been revoked, the department may order the performance bond forfeited.

~~(4)~~*(5)* Any additional permits held by an operator whose mining permit has been revoked must be suspended, and the operator is not eligible to receive another permit or to have the suspended permits reinstated until the operator has complied with all the requirements of this part with respect to former permits issued to the operator. An operator who has forfeited a bond is not eligible to receive another permit unless the land for which the bond was forfeited has been reclaimed without cost to the state or the operator has paid into the reclamation account a sum together with the value of the bond the department finds adequate to reclaim the lands.

~~(5)~~*(6)* Notices and orders issued pursuant to this section must set forth with reasonable specificity the nature of the violation and the remedial action required, the period of time established for abatement, and a reasonable description of the portion of the operation to which the notice or order applies. Each notice or order issued under this section must be given promptly to the permittee or the permittee's agent by the department, by the director, or by the authorized representative who issued the notice or order. All notices and orders must be in writing and be signed by the authorized representatives. Any notice or order issued pursuant to this section may be modified, vacated, or terminated by the director or an authorized representative. However, any notice or order issued pursuant to this section that requires cessation of mining by the operator expires within 30 days of actual notice to the operator unless an informal public hearing, if requested by the person to whom the notice or order was issued, is held at the site or within such reasonable proximity to the site that any viewings of the site can be conducted during the course of the hearing. If the department receives a request for an informal public hearing 21 days after service of the notice or order, the period for holding the informal public hearing is extended by the number of days after the 21st day that the request was received.

~~(6)~~*(7)* A person who has been issued a notice or an order of cessation pursuant to subsection (1) or (2) or a person who has an interest that is or may

be adversely affected by an order issued pursuant to subsection (1) or (2) or by modification, vacation, or termination of that order may request a hearing before the board on that order within 30 days of its issuance or within 30 days of its modification, vacation, or termination. The filing of an application for review under this subsection may not operate as a stay of any order or notice. The board shall make findings of fact and issue a written decision incorporating an order vacating, affirming, modifying, or terminating the order.

~~(7)~~*(8)* Subject to the provisions of 82-4-255, whenever an order is issued under this section or as the result of any administrative proceeding under this part, at the request of any person, a sum equal to the aggregate amount of all costs, expenses, and attorney fees as determined by the department to have been reasonably incurred by the person for or in connection with the person's participation in the proceedings, including any judicial review of agency actions, may be assessed against either party as the court, resulting from judicial review, or the department, resulting from administrative proceedings, considers proper.

~~(8)~~*(9)* In order to protect the stability of the land, the director or an authorized representative shall order cessation of underground coal mining under urbanized areas, cities, towns, and communities and adjacent to industrial or commercial buildings, major impoundments, or permanent streams if the director or the authorized agent finds imminent danger to inhabitants of the urbanized areas, cities, towns, and communities."

Section 2. Section 82-4-254, MCA, is amended to read:

"**82-4-254. Violation -- penalty -- waiver.** (1) (a) Except as provided in subsection (2), a person or operator who violates any of the provisions of this part, rules adopted or orders issued under this part, or term or condition of a permit and any director, officer, or agent of a corporation who purposely or knowingly authorizes, orders, or carries out a violation shall pay an administrative penalty of not less than $100 or more than $5,000 for the violation and an additional administrative penalty of not less than $100 or more than $5,000 for each day during which a violation continues and may be enjoined from continuing the violations as provided in this section. A person or operator who fails to correct a violation within the period permitted by law, rule, or order of the department must be assessed a penalty of not less than $750 for each day, up to 30 days, during which the failure or violation continues.

(b) Penalties assessed under this section must be determined in accordance with the penalty factors in 82-4-1001.

(c) The period permitted for correction of a violation does not, in the case of any review proceeding under ~~82-4-251(6)~~ *82-4-251(7)*, end until entry of a final order suspending the abatement requirements or until entry of an order of court ordering suspension of the abatement requirements. If the failure to abate continues for more than 30 days, the department shall, within 30 days after the 30-day period, take appropriate action pursuant to ~~82-4-251(3)~~ *82-4-251(4)* or request action under subsection (4) or (6) of this section.

(2) The department may waive the penalty for a minor violation of this part, a rule adopted or an order issued under this part, or a term or condition of a permit if the department determines that the violation is not of potential harm to public health, public safety, or the environment and does not impair the administration of this part. The department may not waive a penalty assessed under this section if the person or operator fails to abate the violation as directed under 82-4-251. The department shall adopt rules to implement and administer a procedure for waiver of a penalty under this subsection.

(3) (a) To assess an administrative penalty under this section, the department shall issue a notice of violation and penalty order to the person or operator, unless the penalty is waived pursuant to subsection (2). The notice and order must specify the provision of this part, rule adopted or order issued under this part, or term or condition of a permit that is violated and must contain findings of fact, conclusions of law, and a statement of the proposed administrative penalty. The notice and order must be served personally or by certified mail. Service by mail is complete 3 business days after the date of mailing. The notice and order become final unless, within 30 days after the order is served, the person or operator to whom the order was issued requests a hearing before the board. By submitting to the board a written request within 30 days of service of the notice of violation, stating the reason for the request, the person or operator is entitled to a hearing before the board under 82-4-206 on the issues of whether the alleged violation has occurred and whether the penalty proposed to be assessed is proper. On receipt of a request, the board shall schedule a hearing. After a hearing, the board shall make findings of fact and issue a written decision as to the occurrence of the violation and the amount of penalty warranted. If the board finds that the violation occurred and a penalty is warranted, it shall order the payment of the penalty. If the time for requesting a hearing expires without a hearing request, the person or operator shall remit the amount of the penalty within 30 days of the expiration of the period for requesting a hearing.

(b) If the person or operator to whom a final order is issued under subsection (3)(a) wishes to obtain judicial review of the order, the person or operator shall submit with any assessed penalty a statement that the penalty is being paid under protest and the department shall hold the payment in escrow until judicial review is complete. Any person or operator who fails to request and submit testimony at the hearing provided for in subsection (3)(a) or who fails to pay any assessed penalty under protest within 30 days of the order assessing the penalty forfeits the right to seek judicial review of the violation and penalty determinations.

(c) Penalties provided for in this section are recoverable in an action brought by the department. The action must be filed in the district court having jurisdiction over the defendant or in the first judicial district if no other district court has jurisdiction.

(4) The department may bring an action for a restraining order or temporary or permanent injunction against an operator or other person who:

(a) violates, threatens to violate, or fails or refuses to comply with any order or decision issued under this part;

(b) interferes with, hinders, or delays the department in carrying out the provisions of this part;

(c) refuses to admit an authorized representative of the department to the permit area;

(d) refuses to permit inspection of the permit area by an authorized representative of the department;

(e) refuses to furnish any information or report requested by the department in furtherance of the provisions of this part; or

(f) refuses to permit access to and copying of records that the department determines to be necessary in carrying out the provisions of this part.

(5) Any relief granted by a court under subsection (4)(a) continues in effect until the completion or final termination of all proceedings for review of relief granted under this part unless, prior to the final determination, the district court granting the relief sets it aside or modifies it.

(6) A person who violates any of the provisions of this part or any determination or order issued under this part or who purposely or knowingly violates any permit condition issued under this part is guilty of a misdemeanor and shall be fined an amount not less than $500 and not more than $10,000 or be imprisoned for not more than 1 year, or both. Each day on which the violation occurs constitutes a separate offense.

(7) A person who knowingly makes any false statement, representation, or certification or knowingly fails to make any statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this part shall upon conviction be punished by a fine of not more than $10,000 or by imprisonment for not more than 1 year, or both.

(8) A person who except as permitted by law purposely or knowingly resists, prevents, impedes, or interferes with the department or its agents in the performance of duties pursuant to this part shall be punished by a fine of not more than $5,000 or by imprisonment for not more than 1 year, or both.

(9) An employee of the department performing any function or duty under this part may not have a direct or indirect financial interest in any strip- or underground-coal-mining operation. A person who knowingly violates the provisions of this subsection shall upon conviction be punished by a fine of not more than $2,500 or by imprisonment of not more than 1 year, or both.

(10) Within 30 days after receipt of full payment of an administrative penalty assessed under this section, the department shall issue a written release of civil liability for the violations for which the penalty was assessed."

Section 3. Severability. If a portion of [this act] is invalid, all valid portions that are severable from the invalid portion remain in effect. If a portion of [this act] is invalid in one or more of its applications, the portion remains in effect in all valid applications that are severable from the invalid applications.

Section 4. Contingent voidness. (1) If any provision of [this act] is disapproved by the United States secretary of the interior pursuant to 30 CFR 732, then that portion of [this act] is void.

(2) Within 15 days of the effective date of the disapproval under subsection (1), the department of environmental quality shall notify the code commissioner, certifying that the disapproval under subsection (1) has occurred.

Section 5. Effective date. [This act] is effective on passage and approval.

Approved April 17, 2025

CHAPTER NO. 202

[SB 366]

AN ACT REVISING THE CENTRAL COMMITTEE COUNTY CONVENTION NOTIFICATION PROCESS; ALLOWING NOTIFICATION OF THE CALL OF THE COUNTY CONVENTION TO BE E-MAILED TO COMMITTEE REPRESENTATIVES; AND AMENDING SECTION 13-38-205, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 13-38-205, MCA, is amended to read:

"**13-38-205. Organization and operation of county and city central committees.** (1) The county central committee shall meet prior to the state convention of its political party and organize by electing a presiding officer and one or more vice presiding officers. The gender of the presiding officer and the

vice presiding officer may not be the same. The county central committee shall elect a secretary and other officers as necessary. It is not necessary for the officers to be precinct committee representatives.

(2) The committee may select managing or executive committees and authorize subcommittees to exercise all powers conferred upon the county, city, state, and congressional central committees by the election laws of this state.

(3) The presiding officer of the county central committee shall call the county convention and not less than 4 days before the date of the county convention shall publish the call in a newspaper published at the county seat and mail *or e-mail* a copy of the call to each precinct committee representative. If party rules permit the use of a proxy, a proxy may not be recognized unless it is held by an elector of the precinct of the committee representative executing it.

(4) The county presiding officer of the party shall preside at the county convention. No person other than a duly elected or appointed committee representative or officer of the committee is entitled to participate in the proceedings of the committee.

(5) If a committee representative is absent, the convention may fill the vacancy by appointing some qualified elector of the party, resident in the precinct, to represent the precinct in the convention.

(6) The county convention shall elect delegates and alternate delegates to the state convention under rules of the state party. The presiding officer and secretary of the county convention shall issue and sign certificates of election of the delegates."

Approved April 17, 2025

CHAPTER NO. 203

[SB 365]

AN ACT REVISING CAPACITY REQUIREMENTS FOR SILTATION STRUCTURES AT A STRIP MINE OR UNDERGROUND MINE; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 82-4-231, MCA; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 82-4-231, MCA, is amended to read:

"**82-4-231. Submission of and action on reclamation plan.** (1) As rapidly, completely, and effectively as the most modern technology and the most advanced state of the art will allow, each operator granted a permit under this part shall reclaim and revegetate the land affected by the operation, except that underground tunnels, shafts, or other subsurface excavations need not be revegetated. Under the provisions of this part and rules adopted by the department, an operator shall prepare and carry out a method of operation, a plan of grading, backfilling, highwall reduction, subsidence stabilization, water control, and topsoiling and a reclamation plan for the area of land affected by the operation. In developing a method of operation and plans of grading, backfilling, highwall reduction, subsidence stabilization, water control, topsoiling, and reclamation, all measures must be taken to eliminate damages to landowners and members of the public, their real and personal property, public roads, streams, and all other public property from soil erosion, subsidence, landslides, water pollution, and hazards dangerous to life and property.

(2) The reclamation plan must set forth in detail the manner in which the applicant intends to comply with 82-4-232 through 82-4-234 and this section and the steps to be taken to comply with applicable air and water quality laws and rules and any applicable health and safety standards.

(3) The application for a permit or major revision of a permit, which must contain the reclamation plan, must be submitted to the department.

(4) The department shall determine whether the application is administratively complete. An application is administratively complete if it contains information addressing each application requirement in 82-4-222 and the rules implementing that section and all information necessary to initiate processing and public review. The department shall notify the applicant in writing of its determination no later than 90 days after submittal of the application. If the department determines that the application is not administratively complete, it shall specify in the notice those items that the application must address. The application is presumed administratively complete as to those requirements not specified in the notice.

(5) If the department determines that an environmental impact statement on the application is required, it shall notify the applicant in writing at the same time it gives the applicant notice pursuant to subsection (4).

(6) After the applicant receives notice that the application is administratively complete, the applicant shall publish notice of filing of the application once a week for 4 consecutive weeks in a newspaper of general circulation in the locality of the proposed operation. The department shall notify various local governmental bodies, planning agencies, sewage and water treatment authorities, and water companies in the locality in which the proposed mining will take place of the application and provide a reasonable time for them to submit written comments. Any person having an interest that is or may be adversely affected or the officer or head of any federal, state, or local governmental agency or authority may file written objections to the proposed initial or revised application for permit or major revision within 30 days of the applicant's published notice. If written objections are filed and an objector requests an informal conference, the department shall hold an informal conference in the locality of the proposed operation within 30 days of receipt of the request. The department shall notify the applicant and all parties to the informal conference of its decision and the reasons for its decision within 60 days of the informal conference. The department may arrange with the applicant upon request by any party to the administrative proceeding for access to the proposed mining area for the purpose of gathering information relevant to the proceeding.

(7) The filing of written objections or a request for an informal conference may not preclude the department from proceeding with its review of the application as specified in subsection (8).

(8) (a) The department shall review each administratively complete application and determine the acceptability of the application. During the review, the department may propose modifications to the application or delete areas from the application in accordance with the requirements of 82-4-227. A complete application is considered acceptable when the application is in compliance with all of the applicable requirements of this part and the regulatory program pursuant to this part.

(b) If the applicant significantly modifies the application after the application has been determined administratively complete in accordance with subsection (4), the department shall under this section either deny the application or conduct a new review, including an administrative completeness determination, public notice, and objection period.

(c) If an environmental impact statement is determined to be necessary prior to making a permit decision, the department shall complete and publish the final environmental impact statement at least 15 days prior to the date of issuance of the written findings pursuant to subsection (8)(f).

(d) Except as provided in 75-1-205(4) and 75-1-208(4)(b), within 120 days after it determines that an application is administratively complete, the department shall notify the applicant in writing whether the application is or is not acceptable. If the application is not acceptable, the department shall set forth the reasons why it is not acceptable, and it may propose modifications, delete areas, or reject the entire application. All items not specified as unacceptable in the department's notification are presumed to be acceptable. Except as provided in 75-1-208(4)(b), if the applicant revises the application in response to a notice of unacceptability, the department shall review the revised application and notify the applicant in writing within 120 days of the date of receipt whether the revised application is acceptable. If the revision constitutes a significant modification under subsection (8)(b), the department shall conduct a new review, beginning with an administrative completeness determination.

(e) When the application is determined to be acceptable, the department shall publish notice of its determination once a week for 2 consecutive weeks in a newspaper of general circulation in the locality of the proposed operation. Any person having an interest that is or may be adversely affected may file a written objection to the determination within 10 days of the department's last published notice. If a written objection is filed and an objector requests an informal conference, the department shall hold an informal conference in the locality of the proposed operation within 20 days of receipt of the request. The department shall notify the applicant and all parties to the informal conference of its decision and the reasons for the decision within 10 days of the informal conference.

(f) Except as provided in 75-1-205(4) and 75-1-208(4)(b), the department shall prepare written findings granting or denying the permit or major revision application in whole or in part not later than 45 days from the date the application is determined acceptable. However, if lands subject to the federal lands program are included in the application for permit or major revision, the department shall prepare and submit written findings to the federal regulatory authority. If the department's decision is to grant the permit, the department shall issue the permit on the date of its written finding or, if any federal concurrence is necessary, on the date when the concurrence is obtained. If the application is denied, specific reasons for the denial must be set forth in the written notification to the applicant.

(g) If the department fails to act within the times specified in this subsection (8), it shall immediately notify the board in writing of its failure to comply and the reasons for the failure to comply.

(9) The applicant, a landowner, or any person with an interest that is or may be adversely affected by the department's permit decision may within 30 days of that decision submit a written notice requesting a hearing. The notice must contain the grounds upon which the requester contends that the decision is in error. The hearing must be started within 30 days of the request. For purposes of a hearing, the board or its hearings officer may order site inspections of the area pertinent to the application. The board shall within 20 days of the hearing notify the person who requested the hearing, by certified mail, and all other persons, by regular mail, of the findings and decisions. A person who presided at the informal conference may not preside at the hearing or participate in the decision.

(10) In addition to the method of operation, grading, backfilling, highwall reduction, subsidence stabilization, water control, topsoiling, and reclamation requirements of this part and rules adopted under this part, the operator, consistent with the directives of subsection (1), shall:

(a) bury under adequate fill all toxic materials, shale, mineral, or any other material determined by the department to be acid-producing, toxic, undesirable, or creating a hazard;

(b) as directed by rules, seal off tunnels, shafts, or other openings or any breakthrough of water creating a hazard;

(c) impound, drain, or treat all runoff or underground mine waters so as to reduce soil erosion, damage to grazing and agricultural lands, and pollution of surface and subsurface waters;

(d) remove or bury all metal, lumber, and other refuse resulting from the operation;

(e) use explosives in connection with the operation only in accordance with department regulations designed to minimize noise, damage to adjacent lands, and water pollution and ensure public safety and for other purposes;

(f) adopt measures to prevent land subsidence unless the department approves a plan for inducing subsidence into an abandoned operation in a predictable and controlled manner, with measures for grading, topsoiling, and revegetating the subsided land surface. In order for a controlled subsidence plan to be approved, the applicant is required to show that subsidence will not cause a direct or indirect hazard to any public or private buildings, roads, facilities, or use areas, constitute a hazard to human life or health or to domestic livestock or a viable agricultural operation, or violate any other restrictions the department may consider necessary.

(g) stockpile and protect from erosion all mining and processing wastes until these wastes can be disposed of according to the provisions of this part;

(h) deposit as much stockpiled waste material as possible back into the mine voids upon abandonment in a manner that will prevent or minimize land subsidence. The remaining waste material must be disposed of as provided by this part and the rules of the department.

(i) seal all portals, entryways, drifts, shafts, or other openings between the surface and underground mine workings when no longer needed;

(j) to the extent possible using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values and achieve enhancement of those resources when practicable;

(k) minimize the disturbances to the prevailing hydrologic balance at the mine site and in adjacent areas and to the quality and quantity of water in surface water and ground water systems both during and after strip- or underground-coal-mining operations and during reclamation by:

(i) avoiding acid or other toxic mine drainage by measures including but not limited to:

(A) preventing or removing water from contact with toxic-producing deposits;

(B) treating drainage to reduce toxic content that adversely affects downstream water upon being released to watercourses;

(C) casing, sealing, or otherwise managing boreholes, shafts, and wells and keeping acid or other toxic drainage from entering ground and surface waters;

(ii) (A) conducting strip- or underground-mining operations so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow or runoff outside

the permit area, but the contributions may not be in excess of requirements set by applicable state or federal law;

(B) constructing any siltation structures pursuant to subsection (10)(k)(ii)(A) prior to commencement of strip- or underground-mining operations, with the structures to be certified by a qualified registered engineer and to be constructed as designed and as approved in the reclamation plan;. *The siltation structures must each be constructed with the design capacity specified in administrative rule to detain the water inflow or runoff entering the pond from an anticipated precipitation event plus the average inflow from the underground mine, if applicable. Operation of a siltation structure with this design capacity requirement is compliant with this part even if the pond capacity is exceeded as a result of water inflow or runoff entering the pond from a multistorm event consisting of a series of small, consecutive storm events that cumulatively exceed the anticipated precipitation event and the operator actively undertakes measures to restore pond capacity as soon as weather and ground conditions permit.*

(iii) cleaning out and removing temporary or large settling ponds or other siltation structures from drainways after disturbed areas are revegetated and stabilized and depositing the silt and debris at a site and in a manner approved by the department;

(iv) restoring recharge capacity of the mined area to approximate premining conditions;

(v) avoiding channel deepening or enlargement in operations that requires the discharge of water from mines;

(vi) preserving throughout the mining and reclamation process the essential hydrologic functions of alluvial valley floors in the arid and semiarid areas of the country;

(vii) designing and constructing reclaimed channels of intermittent streams and perennial streams to ensure long-term stability; and

(viii) any other actions that the department may prescribe;

(l) conduct strip- or underground-mine operations in accordance with the approved coal conservation plan;

(m) stabilize and protect all surface areas, including spoil piles, to effectively control air pollution;

(n) seal all auger holes with an impervious and noncombustible material in order to prevent drainage except when the department determines that the resulting impoundment of water in the auger holes may create a hazard to the environment or the public health and safety;

(o) develop contingency plans to prevent sustained combustion;

(p) refrain from construction of roads or other access ways up a streambed or drainage channel or in proximity to the channel so as to seriously alter the normal flow of water;

(q) meet other criteria that are necessary to achieve reclamation in accordance with the purposes of this part, taking into consideration the physical, climatological, and other characteristics of the site;

(r) with regard to underground mines, eliminate fire hazards and otherwise eliminate conditions that constitute a hazard to health and safety of the public;

(s) locate openings for all new drift mines working acid-producing or iron-producing coal seams in a manner that prevents a gravity discharge of water from the mine.

(11) An operator may not throw, dump, pile, or permit the throwing, dumping, or piling or otherwise placing of any overburden, stones, rocks, mineral, earth, soil, dirt, debris, trees, wood, logs, or any other materials or substances of any kind or nature beyond or outside of the area of land that is

under permit and for which a bond has been posted under 82-4-223 or place the materials described in this section in a way that normal erosion or slides brought about by natural physical causes will permit the materials to go beyond or outside of that area of land. An operator shall conduct the strip- or underground-mining operation in a manner that protects areas outside the permit area."

Section 2. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 3. Contingent voidness. (1) If any provision of [this act] is disapproved by the United States secretary of the interior pursuant to 30 CFR 732, then that portion of [this act] is void.

(2) Within 15 days of the effective date of the disapproval under subsection (1), the department of environmental quality shall notify the code commissioner, certifying that the disapproval under subsection (1) has occurred.

Section 4. Effective date. [This act] is effective on passage and approval.

Approved April 17, 2025

CHAPTER NO. 204

[SB 357]

AN ACT EXTENDING A DEADLINE FOR PERFECTION OF CERTAIN WATER RESERVATIONS ABOVE FORT PECK DAM; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 85-2-316 AND 85-2-331, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 85-2-316, MCA, is amended to read:

"**85-2-316. State reservation of waters.** (1) The state, any political subdivision or agency of the state, or the United States or any agency of the United States may apply to the department to acquire a state water reservation for existing or future beneficial uses or to maintain a minimum flow, level, or quality of water throughout the year or at periods or for a length of time that the department designates.

(2) (a) Water may be reserved for existing or future beneficial uses in the basin where it is reserved, as described by the following basins:

(i) the Clark Fork River and its tributaries to its confluence with Lake Pend Oreille in Idaho;

(ii) the Kootenai River and its tributaries to its confluence with Kootenay Lake in British Columbia;

(iii) the St. Mary River and its tributaries to its confluence with the Oldman River in Alberta;

(iv) the Little Missouri River and its tributaries to its confluence with Lake Sakakawea in North Dakota;

(v) the Missouri River and its tributaries to its confluence with the Yellowstone River in North Dakota; and

(vi) the Yellowstone River and its tributaries to its confluence with the Missouri River in North Dakota.

(b) A state water reservation may be made for an existing or future beneficial use outside the basin where the diversion occurs only if stored water

is not reasonably available for water leasing under 85-2-141 and the proposed use would occur in a basin designated in subsection (2)(a).

(3) (a) The department shall adopt rules that are necessary to determine whether or not an application is correct and complete based on the provisions applicable to issuance of a state water reservation. The rules must be adopted in compliance with Title 2, chapter 4.

(b) An applicant shall submit a correct and complete application. The determination of whether an application is correct and complete must be based on rules adopted under this subsection (3) that are in effect at the time the application is submitted. The department shall proceed in accordance with 85-2-302 with regard to any defects in the application.

(c) The application must be made on a form prescribed by the department. The department shall make the forms available through its offices.

(d) Upon receiving a correct and complete application, the department shall proceed in accordance with 85-2-307 through 85-2-309. After the hearing provided for in 85-2-309, the department shall decide whether to reserve the water for the applicant. The department's costs of giving notice, holding the hearing, conducting investigations, and making records incurred in acting upon the application to reserve water, except the cost of salaries of the department's personnel, must be paid by the applicant. In addition, a reasonable proportion of the department's cost of preparing an environmental analysis must be paid by the applicant unless waived by the department upon a showing of good cause by the applicant.

(4) (a) Except as provided in 85-20-1401, the department shall issue a state water reservation if the applicant establishes to the department by a preponderance of evidence:

(i) the purpose of the reservation;

(ii) the need for the reservation;

(iii) the amount of water necessary for the purpose of the reservation;

(iv) that the reservation is in the public interest.

(b) In determining the public interest under subsection (4)(a)(iv), the department shall issue a water reservation for withdrawal and transport for use outside the state if the applicant proves by clear and convincing evidence that:

(i) the proposed out-of-state use of water is not contrary to water conservation in Montana; and

(ii) the proposed out-of-state use of water is not otherwise detrimental to the public welfare of the citizens of Montana.

(c) In determining whether the applicant has proved by clear and convincing evidence that the requirements of subsections (4)(b)(i) and (4)(b)(ii) are met, the department shall consider the following factors:

(i) whether there are present or projected water shortages within the state of Montana;

(ii) whether the water that is the subject of the application could feasibly be transported to alleviate water shortages within the state of Montana;

(iii) the supply and sources of water available to the applicant in the state where the applicant intends to use the water; and

(iv) the demands placed on the applicant's supply in the state where the applicant intends to use the water.

(d) When applying for a state water reservation to withdraw and transport water for use outside the state, the applicant shall submit to and comply with the laws of the state of Montana governing the appropriation, lease, use, and reservation of water.

(5) If the purpose of the state water reservation requires construction of a storage or diversion facility, the applicant shall establish to the department by a preponderance of evidence that there will be progress toward completion of the facility and accomplishment of the purpose with reasonable diligence in accordance with an established plan.

(6) (a) Upon issuing a state water reservation for the purpose of maintaining a minimum flow, level, or quality of water, the appropriation of water is complete.

(b) The department shall limit any state water reservations after May 9, 1979, for maintenance of minimum flow, level, or quality of water that it awards at any point on a stream or river to a maximum of 50% of the average annual flow of record on gauged streams. Ungauged streams are not subject to the limit under this subsection (6)(b).

(7) A state water reservation issued under this section has a priority of appropriation dating from the filing of a correct and complete application with the department.

(8) (a) A person desiring to use water reserved to a conservation district for agricultural purposes shall make application for the use with the district, and the district, upon approval of the application, shall inform the department of the approved use and issue the applicant an authorization for the use. The department shall maintain records of all uses of water reserved to conservation districts and be responsible, when requested by the districts, for rendering technical and administrative assistance within the department's staffing and budgeting limitations in the preparation and processing of the applications for the conservation districts. The department shall, within its staffing and budgeting limitations, complete any feasibility study requested by the districts within 12 months of the time that the request was made. The department shall extend the time allowed to develop a plan identifying projects for using a district's reservation as long as the conservation district makes a good faith effort, within its staffing and budget limitations, to develop a plan.

(b) Upon actual application of water to the proposed beneficial use, the authorized user shall notify the conservation district. The notification must contain a certified statement by a person with experience in the design, construction, or operation of project works for agricultural purposes describing how the reserved water was put to use. The department or the district may then inspect the appropriation to determine if it has been completed in substantial accordance with the authorization.

(9) A state water reservation issued under this section may not adversely affect any rights in existence at that time. The department may issue a state water reservation subject to terms, conditions, restrictions, and limitations it considers necessary to satisfy the criteria of this section.

(10) (a) Except for a reservation provided in subsection (6) or a reservation provided in 85-20-1401, the department shall, at least once every 10 years, review existing state water reservations to ensure that the objectives of the reservations are being met.

(b) The department shall provide the water policy interim committee a summary of the reviews before September 15, 2026, in accordance with 5-11-210.

(c) Following a review pursuant to this subsection (10) *and except as provided in 85-2-331*, at the request of the entity holding a water reservation or when the objectives of a state water reservation are not being met, the department may:

(i) extend the time period to complete the appropriation of water;

(ii) modify the reservation; or

(iii) revoke the reservation.

(d) Any undeveloped water made available as a result of a revocation or modification under this subsection (10) is available for appropriation by others pursuant to this part.

(11) Except as provided in 85-20-1401, the department may modify an existing or future order originally adopted to reserve water for the purpose of maintaining minimum flow, level, or quality of water, so as to reallocate the state water reservation or portion of the reservation to an applicant who is a qualified reservant under this section. Reallocation of water reserved pursuant to a state water reservation may be made by the department following notice and hearing if the department finds that all or part of the reservation is not required for its purpose and that the need for the reallocation has been shown by the applicant to outweigh the need shown by the original reservant. Reallocation of reserved water may not adversely affect the priority date of the reservation, and the reservation retains its priority date despite reallocation to a different entity for a different use. The department may not reallocate water reserved under this section on any stream or river more frequently than once every 5 years.

(12) A reservant may not make a change in a state water reservation under this section, except as permitted under 85-2-402 and this subsection. If the department approves a change, the department shall give notice and require the reservant to establish that the criteria in subsection (4) will be met under the approved change.

(13) A state water reservation may be transferred to another entity qualified to hold a reservation under subsection (1). Only the entity holding the reservation may initiate a transfer. The transfer occurs upon the filing of a water right ownership update form with the department, together with an affidavit from the entity receiving the reservation establishing that the entity is a qualified reservant under subsection (1), that the entity agrees to comply with the requirements of this section and the conditions of the reservation, and that the entity can meet the objectives of the reservation as granted. If the transfer of a state water reservation involves a change in an appropriation right, the necessary approvals must be acquired pursuant to subsection (12).

(14) This section does not vest the department with the authority to alter a water right that is not a state water reservation.

(15) The department shall undertake a program to educate the public, other state agencies, and political subdivisions of the state as to the benefits of the state water reservation process and the procedures to be followed to secure the reservation of water. The department shall provide technical assistance to other state agencies and political subdivisions in applying for reservations under this section.

(16) Water reserved under this section is not subject to the state water leasing program established under 85-2-141."

Section 2. Section 85-2-331, MCA, is amended to read:

"**85-2-331. Reservations within Missouri River basin and Little Missouri River basin.** (1) Except as provided in 85-20-1401, the state, an agency or political subdivision of the state, or the United States or an agency of the United States that desires to apply for a state water reservation in the Missouri River basin or in the Little Missouri River basin shall file an application pursuant to 85-2-316 no later than:

(a) July 1, 1989, for reservation of water above Fort Peck dam; or

(b) July 1, 1991, for reservation of water below Fort Peck dam and in the Little Missouri River basin.

(2) Subject to legislative appropriation, the department shall provide technical and financial assistance to other state agencies and political subdivisions in applying for state water reservations within the Missouri River basin and the Little Missouri River basin.

(3) Except as provided in 85-20-1401 *and subsection (5)*, the department shall:

(a) make a final determination in accordance with 85-2-316 on all applications filed before July 1, 1989, for state water reservations in the Missouri River basin above Fort Peck dam.

(b) make a final determination in accordance with 85-2-316 on all applications filed before July 1, 1991, for state water reservations in the Missouri River basin below Fort Peck dam and in the Little Missouri River basin.

(c) determine which applications or portions of applications are considered to be above or below Fort Peck dam.

(4) Except as provided in 85-20-1401, state water reservations approved by the department under this section have a priority date of July 1, 1985, in the Missouri River basin and a priority date of July 1, 1989, in the Little Missouri River basin. If the department issued a permit under Title 85, chapter 2, part 3, prior to the granting of a state water reservation under this section, the department may subordinate the state water reservation to the permit if it finds that the subordination does not interfere substantially with the purpose of any state water reservation. If the department issued a certificate for ground water development under Title 85, chapter 2, part 3, prior to the granting of a reservation under this section, the department may subordinate the reservation to the certificate if it finds that the subordination does not interfere substantially with the purpose of any reservation and the reservant consents to the subordination. The department shall by order establish the relative priority of applications approved under this section.

(5) The duration of the reservations granted to the municipalities and conservation districts established by the final order of the board of natural resources and conservation establishing water reservations above Fort Peck dam issued July 1, 1992, is extended until those reservations are perfected or until those reservations are revoked pursuant to 85-2-316."

Section 3. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Section 4. Effective date. [This act] is effective on passage and approval.

Approved April 17, 2025

CHAPTER NO. 205

[SB 341]

AN ACT GENERALLY REVISING LAWS RELATED TO RECREATIONAL VEHICLES; ALLOWING OFF-SITE DISPLAYS AND SALES IN CERTAIN LOCATIONS FOR CERTAIN MOTOR VEHICLES; DEFINING MOTOR VEHICLES; AND AMENDING SECTIONS 61-4-123 AND 61-4-201, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 61-4-123, MCA, is amended to read:

"**61-4-123. Dealer requirements and restrictions.** (1) A used dealer may not sell a new motor vehicle, a new power sports vehicle, or a new trailer.

(2) A dealer may not display at the dealer's established place of business or any approved off-premises sale location a motor vehicle offered for sale, trade, or consignment unless the Monroney label required for new motor vehicles pursuant to 15 U.S.C. 1232 or the buyer's guide label required for used motor vehicles pursuant to 16 CFR, part 455, is affixed to the side window of the motor vehicle or is conspicuously displayed within the motor vehicle in a fashion that is readily readable by a customer.

(3) (a) Except as provided in subsection (4), a dealer may not sell or display a motor vehicle, power sports vehicle, or trailer offered for sale at any geographic location other than that of the dealer's established place of business as listed on the dealer's license.

(b) A dealer may park a motor vehicle in a storage lot if:

(i) local zoning regulations permit that type of use;

(ii) the lot is in the county where the dealer's established place of business is located;

(iii) the dealer does not sell or advertise the sale of the motor vehicle at the lot; and

(iv) if applicable, the placement of the motor vehicle complies with the dealer's franchise agreement.

(4) (a) ~~Upon~~ *On* prior notice to the department, a dealer may conduct an off-premises display and sale at a geographic location other than that of the dealer's established place of business as listed on the dealer's license if the dealer obtains a permit from the department. The department may require proof from the dealer that the location proposed for the off-premises display and sale is in compliance with local zoning ordinances. An off-premises display and sale must be conducted within the county of the dealer's licensed location unless the off-premises display and sale are restricted to recreational vehicles or power sports vehicles. A new ~~motor vehicle~~ *recreational vehicle, boat, or powersports* dealer whose area of responsibility under the dealer's franchise agreement includes a county different from the county in which the dealer's established place of business is located may conduct an off-premises display and sale, subject to the agreement, in the other county if there is no other new ~~motor vehicle~~ *recreational vehicle, boat, or powersports* dealer *authorized to sell the same manufacturer's model or line-make* with an established place of business in that county. The display and sale authorized by this subsection (4)(a) may not exceed 10 consecutive days, and a licensed dealer may not conduct more than 10 off-premises displays and sales during any 1 calendar year.

(b) A dealer may display one or more motor vehicles, power sports vehicles, or trailers inside an airport terminal or shopping mall without obtaining an off-premises display and sale permit if no actual sales are made, or could be made, at the terminal or mall.

(c) ~~Upon~~ *On* prior written notice to the department, a dealer may display one motor vehicle, power sports vehicle, or trailer at a geographic location other than that of the dealer's established place of business as listed on the dealer's license if no actual sales are made, or could be made, at the display location and the display:

(i) conspicuously promotes or supports an event or a program sponsored by a nonprofit corporation or association organized and operated exclusively for religious, charitable, scientific, or educational purposes and the motor vehicle, power sports vehicle, or trailer is displayed at a location where the event is being held or the program is being promoted; or

(ii) conspicuously promotes a joint commercial endeavor between the dealer and another clearly identified business entity and the motor vehicle, power

sports vehicle, or trailer is displayed on premises owned or leased by the other business entity and where the other entity regularly conducts its business. A display under this subsection (4)(c)(ii) may not exceed 90 days in a calendar year.

(5) If more than one dealer displays motor vehicles, power sports vehicles, or trailers at the same geographic location as another dealer's established place of business, each dealer shall ensure that all records, office facilities, and inventory, if applicable, are physically segregated from those of the other dealer and clearly identified and attributed to the appropriate dealer.

(6) A dealer shall install and maintain telephone service at the dealer's established place of business. The telephone service must be listed in the directory assistance that applies to the area in which the business is located, or if a cellular service is used, the dealer's cell phone number must be posted at the dealer's established place of business.

(7) A dealer shall conspicuously post at the dealer's established place of business written notice indicating the regular and customary office hours maintained by the dealer.

(8) (a) A dealer shall carry and continuously maintain a general liability insurance policy that covers any motor vehicle bearing a set of dealer plates or a demonstrator plate and any power sports vehicle displaying a dealer's identification card that is offered for demonstration or loan to a customer or that otherwise may be operated by a customer in the regular course of the dealer's business operations.

(b) A dealer shall ensure that the department is named as a certificate holder on any general liability insurance policy held by the dealer, that the minimum term of the policy is 1 year, and that a lapse of insurance does not occur as a result of cancellation or termination of a previously certified policy.

(c) This subsection (8) does not relieve a dealer of the mandatory motor vehicle liability insurance obligation imposed under chapter 6 of this title.

(9) A dealer shall display at the dealer's established place of business at least one sign stating the name of the business and indicating that motor vehicles, power sports vehicles, or trailers are offered for sale, trade, or consignment. The letters of the sign must be at least 6 inches in height and clearly visible and readable to the major avenue of traffic at a minimum distance of 150 feet.

(10) As used in this section, "motor vehicle" means:

(a) a recreational vehicle as defined in 61-1-101(61);

(b) a motorboat and a personal watercraft as defined in 23-2-502;

(c) a snowmobile as defined in 23-2-601; and

(d) an off-highway vehicle as defined in 23-2-801."

Section 2. Section 61-4-201, MCA, is amended to read:

"**61-4-201. Definitions.** As used in this part, the following definitions apply unless the context clearly indicates otherwise:

(1) "Community" means the relevant market area of a franchise. For the purposes of this part, the relevant market area of a franchise is the county or counties in which the franchisee is located.

(2) "Distribute" means to sell new motor vehicles other than at retail or to enter into a franchise agreement authorizing a dealer to buy new motor vehicles for resale or to service motor vehicles under a manufacturer's or distributor's warranty.

(3) "Distributor" or "wholesaler" means a person who sells or distributes a line-make of new motor vehicles to new motor vehicle dealers in this state or who maintains distributor representatives in this state.

(4) "Distributor branch" means a branch office maintained or availed of by a distributor or wholesaler for the sale of a line-make of new motor vehicles

to new motor vehicle dealers in this state for directing or supervising its representatives in this state.

(5) "Factory branch" means a branch office maintained or availed of by a manufacturer for the sale of a line-make of new motor vehicles to distributors or for the sale of new motor vehicles to new motor vehicle dealers in this state or for directing or supervising its representatives in this state.

(6) "Franchise" means a contract and any agreed-to amendments between or among two or more persons when all of the following conditions are included:

(a) a commercial relationship of definite duration or continuing indefinite duration is involved;

(b) the franchisee is granted the right to:

(i) offer, sell, and service in this state new motor vehicles manufactured or distributed by the franchisor; or

(ii) service motor vehicles pursuant to the terms of a franchise and a manufacturer's warranty;

(c) the franchisee, as an independent and separate business, constitutes a component of the franchisor's distribution system; and

(d) the operation of the franchisee's business is substantially reliant on the franchisor for the continued supply of new motor vehicles, parts, and accessories.

(7) "Franchisee" means a person who receives new motor vehicles from the franchisor under a franchise and who offers, sells, and services the new motor vehicles to and for the general public.

(8) "Franchisor" means a person who manufactures, imports, or distributes new motor vehicles and who may enter into a franchise.

(9) "Importer" means a person who transports or arranges for the transportation of a foreign manufactured new motor vehicle into the United States for sale in this state.

(10) "Line-make" means vehicles that are offered for sale, lease, or distribution under a common name, trademark, or service mark.

(11) "Manufacturer" means a person who manufactures or assembles a line-make of new motor vehicles and distributes them directly or indirectly through one or more distributors to one or more new motor vehicle dealers in this state or who manufactures or installs on previously assembled truck chassis special bodies or equipment that, when installed, forms an integral part of the new motor vehicle and that constitutes a major manufacturing alteration, but does not include a person who installs a camper on a pickup truck. The term includes a central or principal sales corporation or other entity through which, by contractual agreement or otherwise, a manufacturer distributes its products.

(12) "Motor vehicle" includes a *recreational vehicle as defined in 61-1-101, a* motorboat and a personal watercraft as defined in 23-2-502, a snowmobile as defined in 23-2-601, and an off-highway vehicle as defined in 23-2-801.

(13) "New motor vehicle" means a motor vehicle that has not been the subject of a retail sale regardless of the mileage of the vehicle.

(14) "New motor vehicle dealer" means a person who buys, sells, exchanges, or offers or attempts to negotiate a sale or exchange or any interest in or who is engaged in the business of selling new motor vehicles under a franchise with the manufacturer of the new motor vehicles or used motor vehicles taken in trade on new motor vehicles.

(15) (a) "Retail sale" means the sale of a new motor vehicle.

(b) "Retail sale" does not mean a sale:

(i) of a new motor vehicle to a purchaser who is acquiring the vehicle for the purposes of a resale; or

(ii) that is the result of a transfer between two licensed new motor vehicle dealers.

(16) "Transferee" means a person or entity that:

(a) is in possession or control of a new motor vehicle dealer;

(b) holds an ownership or signed contract interest in a new motor vehicle dealer;

(c) is acting in a fiduciary capacity for a new motor vehicle dealer; or

(d) is an heir, devisee, personal representative, beneficiary, successor, or assign of a new motor vehicle dealer."

Approved April 17, 2025

CHAPTER NO. 206

[SB 328]

AN ACT REVISING THE DEADLINE FOR APPEAL OF A COUNTY TAX APPEAL BOARD DECISION TO THE MONTANA TAX APPEAL BOARD; AMENDING SECTION 15-2-301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-2-301, MCA, is amended to read:

"**15-2-301. Appeal of county tax appeal board decisions.** (1) (a) The county tax appeal board shall mail a copy of its decision to the taxpayer and to the property assessment division of the department of revenue.

(b) If the appearance provisions of 15-15-103 have been complied with, a person or the department on behalf of the state or any municipal corporation aggrieved by the action of the county tax appeal board may appeal to the Montana tax appeal board by filing with the Montana board a notice of appeal within *the later of:*

(i) 45 calendar days after the date of the county board hearing; or

(ii) 30 calendar days after the ~~receipt of the decision of~~ *date* the county board *mails its decision*.

(c) The notice *of appeal* must specify the action complained of and the reasons assigned for the complaint.

~~(c)~~*(d)* Notice of acceptance of an appeal must be given to the county board by the Montana board.

~~(d)~~*(e)* The Montana board shall set the appeal for hearing either in its office in the capital or at the county seat as the Montana board considers advisable to facilitate the performance of its duties or to accommodate parties in interest.

~~(e)~~*(f)* The Montana board shall give to the appellant and to the respondent at least 15 calendar days' notice of the time and place of the hearing.

(2) (a) At the time of giving notice of acceptance of an appeal, the Montana board may require the county board to certify to it the minutes of the proceedings resulting in the action and all testimony taken in connection with its proceedings.

(b) The Montana board may, in its discretion, determine the appeal on the record if all parties receive a copy of the transcript and are permitted to submit additional sworn statements, or the Montana board may hear further testimony.

(c) For industrial property that is assessed annually by the department, the Montana board's review must be de novo and conducted in accordance with the contested case provisions of the Montana Administrative Procedure Act.

(d) For the purpose of expediting its work, the Montana board may refer any appeal to one of its members or to a designated hearings officer. The board member or hearings officer may exercise all the powers of the Montana board in conducting a hearing and shall, as soon as possible after the hearing, report the proceedings, together with a transcript or a tape recording of the hearing, to the Montana board. The Montana board shall determine the appeal on the record.

(3) (a) Except as provided in subsection (3)(b), the Montana tax appeal board shall consider an independent appraisal provided by the taxpayer if the appraisal meets standards set by the Montana board of real estate appraisers and the appraisal was conducted within 6 months of the valuation date. If the Montana board does not use the appraisal provided by the taxpayer in conducting the appeal, the Montana board shall provide to the taxpayer the reason for not using the appraisal.

(b) If the appeal is an appeal of the valuation of residential property, the Montana board shall consider an independent appraisal provided by the taxpayer if the appraisal meets standards set by the Montana board of real estate appraisers and uses values obtained within the timeframe provided for in subsection (3)(a). The appraisal that is provided by the taxpayer is presumed to establish assessed value in the Montana board proceeding unless the department provides sufficient evidence to rebut the presumption of correctness, including another independent appraisal or other compelling valuation evidence. The Montana board shall address the taxpayer's independent appraisal and the department's valuation evidence in the decision.

(4) In every hearing at a county seat throughout the state, the Montana board or the member or hearings officer designated to conduct a hearing may employ a competent person to electronically record the testimony received. The cost of electronically recording testimony may be paid out of the general appropriation for the board.

(5) Except as provided in subsection (2)(c) regarding industrial property, in connection with any appeal under this section, the Montana board is not bound by common law and statutory rules of evidence or rules of discovery and may affirm, reverse, or modify any decision. To the extent that this section is in conflict with the Montana Administrative Procedure Act, this section supersedes that act. The Montana board may not amend or repeal any administrative rule of the department. The Montana board shall give an administrative rule full effect unless the Montana board finds a rule arbitrary, capricious, or otherwise unlawful.

(6) The decision of the Montana board is final and binding on all interested parties and not subject to a rehearing unless reversed or modified by judicial review. Proceedings for judicial review of a decision of the Montana board under this section are subject to the provisions of 15-2-303 and the Montana Administrative Procedure Act to the extent that it does not conflict with 15-2-303.

(7) Sections 15-6-134 and 15-7-111 may not be construed to prevent the department from implementing an order to change the valuation of property."

Section 2. Effective date. [This act] is effective on passage and approval.

Section 3. Applicability. [This act] applies to appeals from the county tax appeal board hearings that occur on or after [the effective date of this act].

Approved April 17, 2025

CHAPTER NO. 207

[SB 315]

AN ACT GENERALLY REVISING LAWS RELATED TO THE PETROLEUM TANK RELEASE COMPENSATION BOARD; ESTABLISHING PROCEDURES FOR REIMBURSEMENT OF PREVENTATIVE MEASURES; PROVIDING A DISCRETIONARY MEETING UPON ON RELEASE; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 75-11-309, 75-11-313, AND 75-11-318, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Procedures for reimbursement of preventative measures. (1) Subject to the availability of money from the fund provided for in 75-11-307(6) and in accordance with rules adopted by the board, an owner or operator of a Montana facility that is actively dispensing petroleum must be reimbursed by the board for the following preventive measures:

(a) removal of inactive tanks;

(b) upgraded automatic tank gauges;

(c) piping replacements for single-walled product piping;

(d) replacement of single-wall steel tanks for underground tank systems that are 20 years old or older;

(e) replacement of single wall fiberglass reinforced plastic tanks that are 20 years old or older;

(f) underground storage tank removal investigations for aging tanks nearing 30 years old that have been in compliance; and

(g) preventative inspections, including compliance and walk-through inspections.

(2) The board shall reimburse an owner or operator up to $2,000 a facility every 1,000 days.

(3) (a) The owner or operator shall document in the manner required by the board all preventive measures and submit them for reimbursement to the board in the form and manner required by the board.

(b) The owner or operator shall submit one claim for all costs for the 1,000 days following the facility's last state-required compliance inspection. An owner or operator may submit only one claim every 1,000 days for a facility.

(c) The board may not consider claims for reimbursement submitted less than 1,000 days following the facility's last state-required compliance inspection.

(4) The board shall review and approve each request that meets the requirements of this section, inform the owner or operator of the approval, and reimburse the owner or operator from the fund.

Section 2. Section 75-11-309, MCA, is amended to read:

"**75-11-309. Procedures for reimbursement of eligible costs -- corrective action plans.** (1) An owner or operator seeking reimbursement for eligible costs and the department shall comply with the following procedures:

(a) If an owner or operator discovers or is provided evidence that a release may have occurred from the owner's or operator's petroleum storage tank, the owner or operator shall immediately notify the department of the release and conduct an initial response to the release in accordance with state and federal laws and rules to protect the public health and safety and the environment.

(b) Except for a tank for which a permit is sought under 75-11-308(1)(b)(iii) and that is closed within 120 days of discovery of the release, following discovery of the release, the petroleum storage tank must remain in compliance with

applicable state and federal laws and rules that the board determines pertain to prevention and mitigation of petroleum releases.

(c) The owner or operator shall conduct a thorough investigation of the release and, subject to subsection (1)(d), report the findings to the department, and, as determined necessary by the department, prepare and submit for approval by the department a corrective action plan that conforms with state, tribal (when applicable), and federal corrective action requirements.

(d) For a release in which the costs are expected to exceed $100,000, an owner or operator, a representative of the owner or operator, the department, the board, and board staff ~~shall~~ *may* meet to discuss the response to the release. For a release in which the costs are expected to be less than $100,000, an owner or operator, a representative of the owner or operator, the department, the board, and board staff may meet to discuss the response to the release if any party requests a meeting.

(e) (i) The department shall review the corrective action plan and forward a copy to a local government office, the board, and, when applicable, a tribal government office with jurisdiction over a corrective action for the release. The local or tribal government office and the board shall inform the department if it wants any modification of the proposed plan.

(ii) Based on its own review and comments received from a local government, a tribal government, the board, or other source, the department, subject to 75-11-408(4)(b), may approve the proposed corrective action plan, make or request the owner or operator to modify the proposed plan, or prepare its own plan for compliance by the owner or operator. A plan finally approved by the department through any process provided in this subsection (1)(d) is the approved corrective action plan.

(iii) After the department approves a corrective action plan, a local government, or a tribal government, or the board may not impose different corrective action requirements on the owner or operator.

(f) A corrective action plan prepared by the owner, operator, or department for any petroleum storage tank release may include the establishment of a petroleum mixing zone as defined in 75-11-503.

(g) The department shall notify the owner or operator of its approval of a corrective action plan and shall promptly submit a copy of the approved corrective action plan to the board.

(h) The owner or operator shall implement the corrective action plan or plans approved by the department until the release is resolved. The department may oversee the implementation of the plan, require reports and monitoring from the owner or operator, undertake inspections, and otherwise exercise its authority concerning corrective action under Title 75, chapter 10, part 7, Title 75, chapter 11, part 5, and other applicable law and rules.

(i) (i) The owner or operator shall document in the manner required by the board all expenses incurred in preparing and implementing the corrective action plan. The owner or operator shall submit claims and substantiating documents to the board in the form and manner required by the board.

(ii) The board shall review each claim and determine if the claims are actual, reasonable, and necessary costs of responding to the release and implementing the corrective action plan.

(iii) If the board requires additional information to determine if a claimed cost is actual, reasonable, and necessary, the board may request comment from the department and the owner or operator.

(iv) If the department determines that an owner or operator is failing to properly implement a corrective action plan, it shall notify the board.

(j) The owner or operator shall document, in the manner required by the board, any payments to a third party for bodily injury or property damage caused by a release. The owner or operator shall submit claims and substantiating documents to the board in the form and manner required by the board.

(k) In addition to the documentation in subsections (1)(i) and (1)(j), when the release is claimed to have originated from a properly designed and installed double-walled tank system, the owner or operator shall document, in the manner required by the board, the following:

(i) the date that the release was discovered; and

(ii) that the originating tank was part of a properly designed and installed double-walled tank system.

(2) If an owner or operator is issued an administrative order for failure to comply with requirements imposed by or pursuant to Title 75, chapter 11, part 5, or rules adopted pursuant to Title 75, chapter 11, part 5, all reimbursement of claims submitted after the date of the order must be suspended. Upon a written determination by the department that the owner or operator has returned to compliance with the requirements of Title 75, chapter 11, part 5, or rules adopted pursuant to Title 75, chapter 11, part 5, suspended and future claims may be reimbursed according to criteria established by the board. In establishing the criteria, the board shall consider the effect and duration of the noncompliance.

(3) The board shall review each claim received under subsections (1)(i) and (1)(j), make the determination required by this subsection, inform the owner or operator of its determination, and, as appropriate, reimburse the owner or operator from the fund. Before approving a reimbursement, the board shall affirmatively determine that:

(a) the expenses for which reimbursement is claimed:

(i) are eligible costs; and

(ii) were actually, necessarily, and reasonably incurred for the preparation or implementation of a corrective action plan approved by the department or for payments to a third party for bodily injury or property damage; and

(b) the owner or operator:

(i) is eligible for reimbursement under 75-11-308; and

(ii) has complied with this section and any rules adopted pursuant to this section. Upon a determination by the board that the owner or operator has not complied with this section or rules adopted pursuant to this section, all reimbursement of pending and future claims must be suspended. Upon a determination by the board that the owner or operator has returned to compliance with this section or rules adopted pursuant to this section, suspended and future claims may be reimbursed according to criteria established by the board. In establishing the criteria, the board shall consider the effect and duration of the noncompliance.

(4) (a) If an owner or operator disagrees with a board determination under subsection (3), the owner or operator may submit a written request for a hearing before the board.

(b) A written request for a hearing must be received by the board within 120 days after notice of the board's determination is served on the owner or operator by certified mail. The notice of determination must advise the owner or operator of the 120-day time limit for submitting a written request for a hearing to the board. Not less than 50 days or more than 60 days after the board serves the notice of determination, the board shall serve on the owner or operator a second notice by certified mail advising the owner or operator of the deadline for requesting a hearing. Service by certified mail is complete on the date shown on the certified mail receipt.

(c) If a written request is received within 120 days, the hearing must be held at a meeting of the board or as otherwise permitted under the Montana Administrative Procedure Act no later than 120 days following receipt of the request or at a time mutually agreed to by the board and the owner or operator.

(d) If a written request is not received within 120 days, the determination of the board is final.

(5) The board shall obligate money for reimbursement of eligible costs of owners and operators in the order that the costs are finally approved by the board.

(6) (a) The board may, at the request of an owner or operator, guarantee in writing the reimbursement of eligible costs that have been approved by the board but for which money is not currently available from the fund for reimbursement.

(b) The board may, at the request of an owner or operator, guarantee in writing reimbursement of eligible costs not yet approved by the board, including estimated costs not yet incurred. A guarantee for payment under this subsection (6)(b) does not affect the order in which money in the fund is obligated under subsection (5).

(c) When considering a request for a guarantee of payment, the board may require pertinent information or documentation from the owner or operator. The board may grant or deny, in whole or in part, any request for a guarantee."

Section 3. Section 75-11-313, MCA, is amended to read:

"**75-11-313. Petroleum tank release cleanup fund.** (1) There is a petroleum tank release cleanup fund in the state special revenue fund established in 17-2-102. The fund is administered as a revolving fund by the board and is statutorily appropriated, as provided in 17-7-502, for the purposes provided for under subsections (3)(c) ~~and (3)(d)~~ *through (3)(e)*. Administrative costs under subsections (3)(a) and (3)(b) must be paid pursuant to a legislative appropriation.

(2) There is deposited in the fund:

(a) all revenue from the petroleum storage tank cleanup fee as provided in 75-11-314;

(b) money received by the board in the form of gifts, grants, reimbursements, or appropriations, from any source, intended to be used for the purposes of this fund;

(c) money appropriated or advanced to the fund by the legislature;

(d) money loaned to the board by the board of investments; and

(e) all interest earned on money in the fund.

(3) As provided in 75-11-318, the fund may be used only:

(a) to administer this part, including payment of board expenses associated with administration;

(b) to pay the actual and necessary department expenses associated with administration;

(c) to reimburse owners and operators for eligible costs caused by a release from a petroleum storage tank and approved by the board; ~~and~~

(d) to reimburse owners and operators for preventative measures approved by the board pursuant to [section 1]; and

~~(d)~~*(e)* for repayment of any advance and any loan made pursuant to 17-6-225, plus interest earned on the advance or loan.

(4) Whenever the board accepts a loan from the board of investments pursuant to 17-6-225, the receipts from the fees provided for in 75-11-314 in each fiscal year until the loan is repaid are pledged and dedicated for the repayment of the loan in an amount sufficient to meet the repayment obligation for that fiscal year."

Section 4. Section 75-11-318, MCA, is amended to read:

"**75-11-318. Powers and duties of board.** (1) The board shall administer the petroleum tank release cleanup fund in accordance with the provisions of this part, including the payment of reimbursement to owners and operators. The board may hire its own staff to assist in the implementation of this part.

(2) The board shall determine whether to approve reimbursement of eligible costs under the provisions of 75-11-309(3) *and costs of preventative measures under [section 1]*, shall obligate money from the fund for approved costs, and shall act on requests for the guarantee of payments through the procedures and criteria provided in 75-11-309.

(3) The board may conduct meetings, hold hearings, undertake legal action, and conduct other business that may be necessary to administer its responsibilities under this part. The board shall meet at least quarterly for the purpose of reviewing and approving claims for reimbursement from the fund and conducting other business as necessary.

(4) The board shall use the fund to pay for:

(a) department expenses incurred in providing assistance to the board. The board shall review and comment on all department administrative budget proposals that are assessed against the fund prior to submittal of the department budget for legislative approval. Department administrative expenses on behalf of the board may include:

(i) the review or preparation of corrective action plans;

(ii) the oversight of corrective action undertaken by owners and operators for the purposes of this part; and

(iii) the actual and necessary administrative support provided to the board.

(b) department of transportation staff expenses used for the collection of the petroleum storage tank cleanup fee;

(c) third-party review of corrective action plans or claims pursuant to 75-11-312;

(d) board staff expenses; and

(e) expenses of implementing the board's duties as provided in this part.

(5) The board shall adopt rules to administer this part, including:

(a) rules governing submission of claims by owners or operators to the department and board;

(b) procedures for determining owners or operators who are eligible for reimbursement and determining the validity of claims;

(c) procedures for the review and approval of corrective action plans;

(d) procedures for conducting board meetings, hearings, and other business necessary for the implementation of this part;

(e) the criteria and reimbursement rates applicable to those owners and operators who comply with a violation letter issued by the department;

(f) procedures for third-party review of corrective action plans or claims pursuant to 75-11-312; ~~and~~

(g) procedures for reviewing and reimbursing costs of preventative measures pursuant to [section 1]; and

~~(g)~~*(h)* other rules necessary for the administration of this part.

(6) The board may apply for, accept, and repay loans from the board of investments pursuant to 17-6-225.

(7) The board shall conduct an analysis of the short-term and long-term viability of the fund and report its findings to the director of the department and the legislative auditor by July 1 prior to each regular legislative session. This analysis must include but is not limited to:

(a) trends in fund revenue and expenditure activity;

(b) exposure to long-term liabilities;

(c) impacts of changes in state and federal regulations relating to underground and aboveground storage tanks;

(d) availability of petroleum storage tank liability insurance in the private sector and trends in provisions of the insurance; and

(e) the continuing need for collection of all or part of the petroleum tank release cleanup fee."

Section 5. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 75, chapter 11, part 3, and the provisions of Title 75, chapter 11, part 3, apply to [section 1].

Section 6. Effective date. [This act] is effective January 1, 2026.

Approved April 17, 2025

CHAPTER NO. 208

[SB 310]

AN ACT REVISING THE TRAILS AND RECREATIONAL FACILITIES GRANT PROGRAM; ESTABLISHING THE TRAIL STEWARDSHIP GRANT PROGRAM; SPECIFYING APPORTIONMENT OF GRANT FUNDING; EXPANDING PROJECTS AVAILABLE TO RECEIVE FUNDING; ALLOWING FOR ADVANCE PAYMENT OF GRANT FUNDING; AMENDING SECTION 23-2-109, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 23-2-109, MCA, is amended to read:

"**23-2-109. Trails and recreational facilities grant program -- rulemaking.** (1) There is a trails and recreational facilities grant program administered by the department. *The grant is called the trail stewardship grant program.*

(2) Cities, counties, tribal governments, school districts, recreational clubs and organizations, and state and federal agencies are eligible to receive grant funds for the following projects:

(a) new trail and shared-use path construction;

(b) rehabilitation and maintenance of existing trails and shared-use paths; ~~and~~

(c) trailside and trailhead facilities, including but not limited to bridges, fencing, parking, bathrooms, latrines, picnic shelters, interpretation, trail signs, and trailside weed management.*;*

(d) trail-related projects, economic impact studies, and feasibility and planning studies, including safety and ethics education;

(e) trail data and conditions collection for safety and planning; and

(f) equipment purchases and maintenance.

(3) (a) The department shall award the following percentages of available trail stewardship grant program funds:

(i) 40% to motorized projects;

(ii) 40% to nonmotorized projects; and

(iii) 20% to projects that serve both motorized and nonmotorized uses.

(b) The balance of unused funds for an apportionment in subsection (3)(a) may be used to fund projects for another apportionment in subsection (3)(a).

(c) An advance of up to 75% may be requested and provided at the time the grant is awarded for needed expenses, and a further 25% when the first advance is spent and reported.

~~(3)~~*(4)* In making grants, the department shall consider the recommendations of the state trails advisory committee established pursuant to 23 U.S.C. 206.

~~(4)~~*(5)* Entities receiving a grant may use up to 7% of the funds for administrative costs.

~~(5)~~*(6)* Any funds awarded pursuant to this section that are not fully expended within 3 years must revert to the department and be deposited in the account established in 23-1-105.

~~(6)~~*(7)* The department may adopt rules to implement this section."

Section 2. Effective date. [This act] is effective July 1, 2025.

Approved April 17, 2025

CHAPTER NO. 209

[SB 309]

AN ACT ELIMINATING THE SCENIC-HISTORIC BYWAYS ADVISORY COUNCIL; AND AMENDING SECTIONS 60-2-601 AND 60-2-602, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 60-2-601, MCA, is amended to read:

"**60-2-601. Scenic-historic byways program -- ~~advisory council --~~ expenditure of funds.** (1) There is a scenic-historic byways program. The commission may designate roads to be included as part of the program and may add or delete roads from the program. The commission may not designate a road as a scenic-historic byway without the concurrence of the affected local governments and the agencies responsible for maintenance and operation of the road. A road or right-of-way across federal land that was granted by 43 U.S.C. 932 and recognized by 43 U.S.C. 1701 may be considered for inclusion in the program.

(2) ~~Notwithstanding the provision of 2-15-122, the commission shall appoint an advisory council for the scenic-historic byways program.~~ *The department, on the direction of the commission, may expend any funds appropriated for or otherwise available to the scenic-historic byways program.*

~~(3) The advisory council is a technical oversight council composed of no more than 11 members who must have expertise in one or more of the subjects of tourism, visual assessment, Montana history, resource protection, economic development, transportation, or planning. One member of the advisory council must be a representative of the Montana chamber of commerce.~~

~~(4) The advisory council shall:~~

~~(a) assist the department and the commission in designing the program;~~

~~(b) review applications for nominating roads to the scenic-historic byways program; and~~

~~(c) recommend to the commission roads that should be included in or deleted from the scenic-historic byways program.~~

~~(5) The department, upon the direction of the commission, may expend any funds appropriated for or otherwise available to the scenic-historic byways program.~~"

Section 2. Section 60-2-602, MCA, is amended to read:

"**60-2-602. Scenic-historic byways program -- rules.** (1) The department shall adopt rules to effectively administer the scenic-historic byways program. The rules must include the criteria that will be considered for designating a road for inclusion in the scenic-historic byways program.

(2) In developing the criteria, to be included in the rules, for designating a road for inclusion in the scenic-historic byways program, ~~the advisory council,~~ *the* commission~~,~~ and department shall specifically address:

(a) factors that allow each locality choosing to participate in or seeking participation in the scenic-historic byways program the opportunity to:

(i) enhance the experience of the traveling public;

(ii) stimulate or allow for economic development and new marketing strategies; or

(iii) preserve intrinsic resources for the benefit of future generations;

(b) a methodology by which a locality choosing to participate in or seeking participation in the scenic-historic byways program may participate in the national scenic byways program, described in section 1047 of Public Law 102-240;

(c) means by which a road may be excluded from designation as a scenic-historic byway by:

(i) an incorporated municipality for a road or segment of a road within its jurisdiction; or

(ii) a landowner for a road or segment of a road adjacent to the landowner's private property;

(d) factors to be considered in assessing the intrinsic, scenic, historic, recreational, cultural, archaeological, educational, or natural qualities of the road nominated for inclusion in the scenic-historic byways program;

(e) factors to be considered in a locality's corridor management plan, including that the plan:

(i) serves as a visioning tool to provide direction for enhancing and marketing the corridor, but not as a land management document, zoning tool or mandate, highway improvement scoping or prioritization document, or highway management document;

(ii) accommodates commerce and commercial vehicles and maintains a safe and efficient level of highway services;

(iii) protects private property rights, including assurances that the private property rights of a person who owns land adjacent to or visible from the road are not in any way diminished by the road being designated a scenic-historic byway or are accommodated through mutually agreeable compensation;

(iv) precludes the locality having adopted the corridor management plan from establishing goals or commitments outside the locality's jurisdiction; and

(v) has accommodated all jurisdictions affected or to be affected by the designation of a road as a scenic-historic byway; and

(f) procedures to ensure that localities choosing to participate in the scenic-historic byways program:

(i) may exclude from designation any segment of a highway that is inconsistent with the state's criteria for designating scenic-historic byways. Within an excluded segment, a locality may allow off-premises advertising in the form of billboards or painted signs, subject to applicable federal, state, or local laws.

(ii) may use signage recognized as exceptions or as information signs in all areas along a designated route, provided that the signage complies with 23 U.S.C. 131, Title 60, chapter 5, part 5, Title 75, chapter 15, part 1, and all applicable state or locally adopted rules, requirements, and restrictions."

Approved April 17, 2025

CHAPTER NO. 210

[SB 306]

AN ACT PROVIDING THAT A COUNTY TREASURER MAY NOT SELL A TAX DEED TO RESIDENTIAL PROPERTY TO A FOREIGN ENTITY; DEFINING

FOREIGN ENTITY AND "DOMESTIC ENTITY"; AMENDING SECTIONS 15-17-121 AND 15-18-220, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-17-121, MCA, is amended to read:

"**15-17-121. Definitions.** Except as otherwise specifically provided, when terms mentioned in Title 15, chapters 17 and 18, are used in connection with taxation, they are defined in the following manner:

(1) "Assignee" means a person, other than the person to whom the property is assessed, who pays the delinquent taxes, including penalties, interest, and costs, and receives a tax lien certificate representing a lien on the property and an assignment certificate.

(2) "Assignment certificate" means the document described in 15-17-323.

(3) (a) "Cost" means the cost incurred by the county as a result of a taxpayer's failure to pay taxes when due. It includes but is not limited to any actual out-of-pocket expenses incurred by the county plus the administrative cost of:

(i) preparing the list of delinquent taxes;

(ii) preparing the notice of pending attachment of a tax lien;

(iii) assigning the county's interest in a tax lien to a third party;

(iv) identifying interested persons entitled to notice of the pending issuance of a tax deed;

(v) notifying interested persons;

(vi) sale or resale;

(vii) issuing the tax deed; and

(viii) any other administrative task associated with accounting for or collecting delinquent taxes.

(b) The term includes costs that are required by law and incurred by an assignee. The county treasurer may require the assignee to provide receipts or may allow the assignee to provide a notarized affidavit of costs to the county treasurer upon issuance of a tax lien certificate as required in 15-17-125 and notification that a tax deed may be issued as required by 15-18-212, 15-18-216, and 15-18-219. A county treasurer may at any time require an assignee who provided an affidavit of costs to submit the receipted costs upon which the affidavit was based.

(c) The term does not include interest for payments for the following:

(i) postage for certified mailings and certified mailings with return receipt requested;

(ii) a title search, to the extent necessary to identify interested persons entitled to notice of the pending issuance or auction of a tax deed;

(iii) publishing costs for required publications; and

(iv) filing costs for proof of notice.

(4) "County" means any county government and includes those classified as consolidated governments.

(5) "Domestic entity" means an entity that:

(a) is organized under or created under federal law or state law; or

(b) (i) is organized under or created under the law of another place subject to the jurisdiction of the United States; and

(ii) has its principal place of business within the United States.

~~(5)~~*(6)* (a) "Dwelling" means a house or other structure intended for human habitation, including buildings attached to the dwelling.

(b) The term does not include a dwelling that is not on a permanent foundation and that is classified by the department of revenue as personal property.

(7) "Foreign entity" means:

(a) a government of a foreign country;

(b) a political party of a foreign country;

(c) an entity located outside of the United States unless that entity:

(i) is organized under or created under federal law, state law, or the law of another place subject to the jurisdiction of the United States; and

(ii) has its principal place of business within the United States; or

(d) an entity that:

(i) is organized under the laws of a foreign country; or

(ii) has its principal place of business in a foreign country.

~~(6)~~*(8)* "Property tax lien" or "tax lien" means a lien attached by the county for nonpayment of property taxes, including penalties, interest, and costs.

~~(7)~~*(9)* "Tax", "taxes", or "property taxes" means all ad valorem property taxes, property assessments, fees related to property, and assessments for special improvement districts and rural special improvement districts.

~~(8)~~*(10)* "Tax lien certificate" means the document described in 15-17-125.

~~(9)~~*(11)* "Tax lien sale" means, with respect to personal property, the offering for sale by the county treasurer of personal property on which the taxes are delinquent or other personal property on which the delinquent taxes are a lien."

Section 2. Section 15-18-220, MCA, is amended to read:

"**15-18-220. Sale at public auction -- notice of auction -- cancellation of assignment for unsuccessful auction.** (1) Upon receipt of an application for a tax deed pursuant to 15-18-219, the county treasurer shall hold a public auction in the county in which the property is located within 60 days of receipt of the application. The county treasurer shall publish notice of the auction as provided in 7-1-2121 that includes the date, time, and location of the auction, the legal description of the property, the deposit requirement, ~~and~~ the minimum opening bid*, and a requirement that an entity provide proof of domestic entity status as provided in subsection (7)*. The auction must be held during the regular office hours of the county treasurer.

(2) (a) The opening bid on the property must be the amount required in subsection (2)(b), and the county treasurer may not accept a bid below the opening bid.

(b) The opening bid for the property is equal to the sum of:

(i) the amount required to redeem the tax lien, which includes delinquent taxes, penalties, interest, and costs;

(ii) amounts paid by the assignee upon application for the tax deed pursuant to 15-18-219(2);

(iii) tax deed fees provided for in 15-18-211(2)(a) and recording fees; and

(iv) an amount equal to half of the most recent assessed value of the land and of the dwelling or half of the value of the land and of the dwelling as determined in an independent appraisal. If the opening bid is based on an independent appraisal, the appraisal must be provided to the county treasurer, must meet the standards set by the Montana board of real estate appraisers, and must have been conducted within 6 months of the date of the auction.

(3) (a) ~~The~~ *Except as provided in subsection (7), the* county treasurer shall sell the property to the high bidder for the purchase price bid plus auction costs incurred by the county treasurer. Except as provided in subsection (3)(b), the high bidder shall post with the county treasurer a nonrefundable deposit of 5% of the bid or $200, whichever is greater, at the time of sale. The deposit is applied to the sale price at the time of full payment. Notice of the deposit requirement must be posted at the auction site, and the county treasurer may require bidders to show their ability to post the deposit. The county treasurer

may refuse to recognize the bid of a person who has previously bid and refused, for any reason, to honor the bid.

(b) ~~If~~ *Except as provided in subsection (7), if* the assignee is the high bidder, the assignee shall pay to the county treasurer auction costs and any amounts included in the opening bid and not already paid, including filing fees, tax deed fees, and one-half of the most recent assessed value of the land and of the dwelling. If the assignee does not make full payment within 24 hours, excluding weekends and legal holidays, the county treasurer shall cancel the assignment and file with the county clerk and recorder a notice of cancellation on a form provided for in 15-18-225.

(c) ~~If~~ *Except as provided in subsection (7), if* full payment of the purchase price and auction costs is not made within 24 hours of the sale, excluding weekends and legal holidays, by a high bidder who is not the assignee, the county treasurer shall cancel the high bid and allow the next highest bidder to purchase the tax deed for the amount bid. If the next highest bidder does not make full payment of the purchase price and the auction costs within 24 hours, excluding weekends and legal holidays, of notification by the county treasurer, the county treasurer shall repeat the process and contact the next highest bidder until the purchase price and auction costs are paid or until there are no bidders remaining. If no bidder pays the purchase price and auction costs, the county treasurer shall cancel the assignment and file with the county clerk and recorder a notice of cancellation on a form provided for in 15-18-225.

(d) If there are no bidders at the auction, the county treasurer shall cancel the assignment and file with the county clerk and recorder a notice of cancellation on a form provided for in 15-18-225.

(4) The portion of the opening bid that is equal to half of the most recent assessed value of the land and of the dwelling is considered surplus funds and, upon sale of the property, must be distributed as provided in 15-18-221. If the purchase price is higher than the opening bid, the difference between the purchase price and the opening bid is considered surplus funds and must be distributed as provided in 15-18-221.

(5) Upon full payment of the purchase price, the county treasurer shall issue the tax deed in the form provided in 15-18-213 and distribute the funds as provided in 15-18-221.

(6) An auction required pursuant to this section may be conducted electronically.

(7) (a) A county treasurer may not sell a property under this section to a foreign entity.

(b) A county treasurer may not accept an opening bid on property under this section unless the entity provides written proof that it is a domestic entity."

Section 3. Effective date. [This act] is effective October 1, 2025.

Approved April 17, 2025

CHAPTER NO. 211

[SB 305]

AN ACT GENERALLY REVISING FUNERAL TRUST LAWS; REQUIRING FUNERAL TRUST FUNDS TO COMPLY WITH THE PRUDENT INVESTOR RULE; AND AMENDING SECTION 37-19-828, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 37-19-828, MCA, is amended to read:

"**37-19-828. Funeral trust fund -- deposit of money.** (1) (a) A party that provides services pursuant to a contract for a prearranged funeral or related services and that receives money under the contract shall deposit the money within 10 business days of receipt in a banking institution or invest the money in the stock of a savings or building and loan association or in the shares of a credit union.

(b) The banking institution, savings or building and loan association, or credit union shall maintain an office in this state and must be organized under the laws of this state, of another state, or of the United States.

(c) Deposits or investments made as provided in this section ~~must be insured by an instrumentality of the federal government~~ *must comply with the prudent investor rule provided for in Title 72, chapter 38, part 9. The rule may not be waived.*

(2) Deposits or investments made pursuant to this section constitute a trust fund for the benefit of the person contracting for the prearranged funeral or related services. The money must be placed in a separate account in the name of the depositor as trustee for the person contracting for the prearranged funeral or related services."

Approved April 17, 2025

CHAPTER NO. 212

[SB 288]

AN ACT ESTABLISHING EVIDENTIARY SEIZURE GUIDELINES FOR LAW ENFORCEMENT WEAPONS IN OFFICER-INVOLVED SHOOTINGS; AND REQUIRING THE EXPEDITED RETURN OF LAW ENFORCEMENT WEAPONS UNDER CERTAIN CONDITIONS AFTER AN INVESTIGATION IS COMPLETE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Evidentiary seizure of law enforcement weapons. (1) When law enforcement is involved in an officer-involved shooting, the law enforcement officer's weapon involved in the shooting must be collected by investigators to be photographed and turned over to the state laboratory of criminalistics for test firing, collection of cartridge cases and rounds of ammunition, and to document the unique characteristics of the weapon.

(2) After an investigation is complete and no appeals are pending or no criminal charges are filed or are presently contemplated against the law enforcement officer, a weapon collected for evidence testing pursuant to subsection (1) or collected as part of a coroner's inquest pursuant to 46-4-201 must be returned within 7 days by whichever entity is appropriate to the law enforcement agency from which it was collected for redeployment in the field.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 44, chapter 3, part 3, and the provisions of Title 44, chapter 3, part 3, apply to [section 1].

Approved April 17, 2025

CHAPTER NO. 213

[SB 275]

AN ACT PROVIDING THAT A GOVERNING BODY MAY REVOKE AN AGRICULTURAL COVENANT AND DIVISION OF THE LAND MAY

PROCEED WITHOUT SUBDIVISION REVIEW IF THE LAND IS ANNEXED INTO A MUNICIPALITY; AND AMENDING SECTION 76-3-211, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 76-3-211, MCA, is amended to read:

"**76-3-211. Agricultural covenant -- change in use.** (1) A change in use for anything other than agricultural purposes subjects a division of land that received an exemption under 76-3-207(1)(c) to subdivision review under parts 5 and 6 of this chapter. However, the governing body, in its discretion, may revoke the covenant provided for in 76-3-207(1)(c) for the purposes of this chapter and the division may proceed without subdivision review if:

(a) the original lot lines are restored through aggregation of the covenanted land prior to or in conjunction with the revoking of the covenant; ~~or~~

(b) a government or public entity seeks to use the land for public purposes as defined in the governing body's review criteria pursuant to 76-3-504(1)(p)*; or*

(c) the land is annexed into a municipality.

(2) If a governing body proposes to revoke a covenant pursuant to subsection (1)(b), the governing body shall hold a public hearing. Within 15 days of the hearing, the governing body shall issue written findings of fact and a decision based on the record. If the governing body approves the revoking of the covenant, the approval must be recorded with the clerk and recorder.

(3) The revocation of a covenant pursuant to this section does not affect sanitary restrictions imposed under Title 76, chapter 4."

Approved April 17, 2025

CHAPTER NO. 214

[SB 242]

AN ACT REVISING LAWS RELATED TO BALLOT FORM AND UNIFORMITY; AMENDING SECTIONS 13-12-202 AND 13-13-116, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 13-12-202, MCA, is amended to read:

"**13-12-202. Ballot form and uniformity.** (1) The secretary of state shall adopt statewide uniform rules that prescribe the ballot form for each type of ballot used in this state. The rules must conform to the provisions of this title unless the voting system used clearly requires otherwise. At a minimum, the rules must address:

(a) the manner in which each type of ballot may be corrected under 13-12-204;

(b) what provisions must be made on the ballot for write-in candidates;

(c) the size and content of stubs on paper ballots, except as provided in 13-19-106(1);

(d) the placement of the printed words "official ballot" in accordance with 13-13-116;

~~(d)~~*(e)* how unvoted ballots must be handled;

~~(e)~~*(f)* how the number of individuals voting and the number of ballots cast must be recorded; and

~~(f)~~*(g)* the order and arrangement of voting system ballots.

(2) The names of all candidates that appear on the face of a ballot must appear in the same font size and style.

(3) Notwithstanding 13-19-106(1) and except as provided in 13-3-208, when the stubs are detached, it must be impossible to distinguish any one of the ballots from another ballot for the same office or issue.

(4) The ballots must contain the name of each candidate whose nomination is certified under law for an office and no other names, except that the names of candidates for president and vice president of the United States must appear on the ballot as provided in 13-25-101(5)."

Section 2. Section 13-13-116, MCA, is amended to read:

"**13-13-116. Paper ballots to be marked -- one ballot to elector.** (1) Before delivering a paper ballot to an elector, the election judges shall ensure that ~~the ballot is individually stamped with~~ the words "official ballot" *are printed on the ballot* without part of the mark appearing on the stub, if any.

(2) Each elector must receive from the election judges one of each type of ballot for which the elector is eligible."

Section 3. Effective date. [This act] is effective on passage and approval.

Approved April 17, 2025

CHAPTER NO. 215

[SB 241]

AN ACT REVISING ALCOHOL LICENSES TO PROHIBIT THE DEPARTMENT OF REVENUE FROM DENYING A TRANSFER OF AN ALCOHOL LICENSE SOLELY BECAUSE THE SELLER HAS OUTSTANDING TAXES, PENALTIES, OR INTEREST OWED TO THE DEPARTMENT; PROVIDING THAT PROCEEDS FROM THE SALE OF THE ALCOHOL LICENSE MAY GO TO ANY OUTSTANDING LIENS OWED TO THE DEPARTMENT; AMENDING SECTIONS 16-4-404 AND 16-6-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 16-4-404, MCA, is amended to read:

"**16-4-404. Protest period -- contents of license -- posting -- privilege -- transfer.** (1) A license may not be issued until on or after the date set in the notice for hearing protests.

(2) Every license issued under this code must state the name of the person to whom it is issued, the location, by street and number or other appropriate specific description of location if no street address exists, of the premises where the business is to be carried on under the license, and other information the department considers necessary. If the licensee is a partnership or if more than one person has an interest in the business operated under the license, the names of all persons in the partnership or interested in the business must appear on the license. Every license must be posted in a conspicuous place on the premises in which the business authorized under the license is conducted, and the license must be exhibited on request to any authorized representative of the department or the department of justice or to any peace officer of the state of Montana.

(3) A license issued under the provisions of this code is a privilege personal to the licensee named in the license and is valid until the expiration of the license unless sooner revoked or suspended.

(4) A license may be transferred pursuant to 16-4-431 to the personal representative, executor, or administrator of the estate of a deceased licensee, or to a designee of the personal representative, executor, or administrator,

when the estate consists in whole or in part of the business of selling alcoholic beverages under a license. The license may descend or be disposed of with the licensed business under appropriate probate proceedings.

(5) A licensee may apply to the department for a transfer of the license to different premises within the quota area. The department may, after notice and opportunity for protest, permit a transfer if the transfer is justified by public convenience and necessity, pursuant to 16-4-203, unless a public convenience and necessity hearing is required by 16-4-207.

(6) On a bona fide sale of the business operated under a license, the license may be transferred to a qualified purchaser. A transfer of a license to a person or location is not effective unless approved by the department. A licensee or transferee or proposed transferee who operates or attempts to operate under a supposedly transferred license prior to the approval of the transfer by the department, endorsed on the license in writing, is considered to be operating without a license and the license affected may be revoked or suspended by the department.

(7) The department may not deny or withhold approval of the transfer of an alcoholic beverage license to a purchaser or transferee solely because of outstanding taxes, penalties, or interest owed by the seller. Any proceeds from the sale of an alcoholic beverage license are subject to any existing liens or warrants for distraint that the department has filed against the seller as provided in 16-1-414.

~~(7)~~*(8)* The alcoholic beverage inventory of an existing licensee may be transferred under the following scenarios:

(a) on a bona fide sale of the business operated under a license when the department:

(i) has granted temporary operating authority to the buyer to operate the license; or

(ii) has approved transfer of the license to the buyer;

(b) on a license type change at an existing licensed premises when the department has granted temporary operating authority or approved the issuance of the new license, as long as the alcoholic beverage is allowed by the new license type;

(c) on approval of a corporate structure change at an existing licensed premises;

(d) on the sale of a license to be floated out of a quota area when the department has granted temporary operating authority or approved the license transfer; or

(e) when a licensee is going out of business but only if the unopened alcohol is in its original packaging and the licensee receiving the alcohol is licensed for that type of alcohol.

~~(8)~~*(9)* Except as provided in 16-4-204 and subsections (2) through ~~(7)~~ *(8)* of this section, a license may not be transferred or sold or used for any place of business not described in the license. A license may be subject to mortgage and other valid liens, in which event the name of the mortgagee, on application to and approval of the department, must be endorsed on the license. Beer or wine sold to a licensee on credit pursuant to 16-3-243 or 16-3-406 does not create a lien on a license, but a subsequent licensee has the obligation to pay for the beer or wine."

Section 2. Section 16-6-303, MCA, is amended to read:

"**16-6-303. Sale of liquor not purchased or transferred from agency liquor store forbidden -- penalty.** It is unlawful for any licensee to sell or keep for sale or have on the licensee's premises for any purpose any liquor except that purchased from an agency liquor store or transferred as allowed

in 16-4-404~~(7)~~*(8)*. Any licensee found in possession of or selling and keeping for sale any liquor that was not purchased from an agency liquor store or transferred as allowed in 16-4-404~~(7)~~*(8)* shall, upon conviction, be punished by a fine of not less than $500 or more than $1,500, by imprisonment for not less than 3 months or more than 1 year, or by both fine and imprisonment. If the department is satisfied that the liquor was knowingly sold or kept for sale within the licensed premises by the licensee or by the licensee's agents, servants, or employees, the department shall immediately revoke the license."

Section 3. Effective date. [This act] is effective on passage and approval.

Section 4. Applicability. [This act] applies to all alcohol license transfers:

(1) filed with the department before [the effective date of this act] and that are being considered by the department as of [the effective date of this act]; or

(2) filed with the department on or after [the effective date of this act].

Approved April 17, 2025

CHAPTER NO. 216

[SB 228]

AN ACT REVISING LAWS RELATED TO PUBLIC CHARGING STATIONS FOR ELECTRIC VEHICLES; CLARIFYING PUBLIC CHARGING STATION TAX PROVISIONS; REVISING ELECTRIC METER REQUIREMENTS; ELIMINATING ELECTRIC VEHICLE FEE REDUCTION; PROVIDING DEFINITIONS; AMENDING SECTIONS 15-70-801, 15-70-802, 15-70-803, 15-70-804, AND 15-70-805, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-70-801, MCA, is amended to read:

"**15-70-801. Definitions.** As used in this part, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Charging station" means equipment with a rated capacity greater than 25 kilowatts that is not installed at a residence or owned by an association of real property owners including a homeowners' association as defined in 70-17-901 that transfers electric current to ~~the power system of~~ an electric vehicle and the real property ~~in~~ *to* which the equipment is affixed, and includes *a* public charging *station* ~~stations and public legacy charging stations~~.

(2) "Charging station operator" means a person, firm, general partnership, limited partnership, limited liability partnership, corporation, limited liability company, or other lawfully recognized business entity that operates a public charging station.

(3) "Charging station owner" means the entity that is the public utility customer or a public utility that owns a public charging station.

~~(3)~~*(4)* "Public charging station" means a charging station ~~that is a business using a metered system to deliver~~ *that delivers* electric current to an electric vehicle and charges the customer either for the electricity transferred or for the duration of time during which the transfer of electricity takes place.

~~(4) "Public legacy charging station" means a public charging station operating before July 1, 2023, that has never had a metering system in place capable of measuring electricity transferred from the charging station to the vehicle or is incapable of measuring the time elapsed while actively charging a vehicle and placing a fee on the charging session.~~

(5) "Public utility" has the *same* meaning as defined in 69-3-101."

Section 2. Section 15-70-802, MCA, is amended to read:

"**15-70-802. Public charging station tax -- ~~public legacy charging station tax -~~ reduction of additional electric vehicle registration fees.** (1) ~~Effective July 1, 2023, there~~ *There* is a tax of 3 cents a kilowatt hour ~~or its equivalent in addition to the public utility's approved rate on the electric current used to charge or recharge the battery or batteries of an electric vehicle at public charging stations installed after July 1, 2023~~ *on electricity delivered to a public charging station*.

~~(2) Effective July 1, 2025, there is a tax of 3 cents a kilowatt hour or its equivalent in addition to the public utility's approved rate on the electric current used to charge or recharge the battery or batteries of an electric vehicle at public legacy charging stations.~~

~~(3)~~*(2)* The tax authorized by this section is ~~based on the rate of tax and electricity transferred during the charging process, and it does not include any fees or charges associated with the method of payment for the charging services~~ *in addition to the public utility's rate and measured at the utility's meter*.

~~(4) Effective July 1, 2028, the amount of any additional electric vehicle registration fee charged by the state to a resident on an electric vehicle is reduced by 30%.~~"

Section 3. Section 15-70-803, MCA, is amended to read:

"**15-70-803. Installation of electric meters.** (1) ~~Effective July 1, 2023, all new~~ *All* public charging stations must have ~~an~~ *a separate* electric meter installed or approved by the public utility ~~exclusively dedicated to the public charging station~~ that measures ~~all of~~ the electricity delivered to the public charging station. The charging station owner shall pay the cost of meter installation.

~~(2) Effective July 1, 2025, all public charging stations and public legacy charging stations installed prior to July 1, 2023, must have an electric meter installed or approved by the public utility exclusively dedicated to the public charging station or public legacy charging station that measures all of the electricity delivered to the public charging station or public legacy charging station. The charging station owner shall pay the cost of meter installation.~~

~~(3) Effective July 1, 2028, all public legacy charging stations must be equipped with metering devices capable of accurately measuring the amount of electricity being delivered to the motor vehicle.~~

~~(4)~~*(2)* It is the public charging station owner's responsibility to comply with the provisions of this section and not the duty of the public utility to enforce compliance."

Section 4. Section 15-70-804, MCA, is amended to read:

"**15-70-804. ~~C~~harging *Public charging* station rate disclosure.** A *public* charging station operator shall disclose at the *public* charging station site the rate for electric power transferred to an electric vehicle."

Section 5. Section 15-70-805, MCA, is amended to read:

"**15-70-805. Charging station operator statements and tax payment -- *rulemaking*.** (1) All *public* charging stations must be registered with the department of transportation *no later than* 30 days after ~~May 19, 2023~~ *the first day of operation*.

(2) When registering the *public* charging station with the department of transportation, the *public* charging station owner shall provide the following information:

(a) name, mailing address, telephone number, and e-mail address of the owner;

(b) street address for the physical location of the *public* charging station;

(c) the *public* charging station's rated capacity in ~~terms of wattage, voltage, and amperage~~ *kilowatts*; and

(d) additional information as required by the department.

~~(3) Charging stations that begin operation after May 19, 2023, must be registered with the department of transportation no later than 30 days after the first day of operation.~~

~~(4)~~*(3)* (a) The public utility shall collect the tax levied in 15-70-802 in its monthly invoice to the public charging station owner and remit the proceeds as calculated in subsection ~~(4)(b)~~ *(3)(b)* to the department of transportation within 30 days following the preceding calendar quarter when the tax was collected.

(b) The public utility shall remit 2.75 cents for each kilowatt hour of electricity sold to a *public* charging station owner to the department of transportation and is authorized to retain 0.25 cents per kilowatt hour to cover costs associated with collecting the tax.

(c) The public utility may create a new class of customers for billing at its discretion consisting solely of public charging stations.

(d) The billing rate for public charging stations must include the tax levied in 15-70-802 in addition to the public utility's approved rate or tariff.

(e) Taxes collected in accordance with this section are not subject to review or approval by the public service commission *and are exempt from 69-3-305*.

~~(5)~~*(4)* The department of transportation may adopt rules to implement this section.

~~(6)~~*(5)* The revenue derived from 15-70-802 must be deposited in the highway restricted account provided for in 15-70-126."

Section 6. Effective date. [This act] is effective July 1, 2025.

Approved April 17, 2025

CHAPTER NO. 217

[SB 184]

AN ACT REVISING LAWS RELATED TO ELECTIONS FOR PRECINCT COMMITTEE REPRESENTATIVES; PROVIDING THAT ONLY CONTESTED RACES FOR MALE OR FEMALE COMMITTEE REPRESENTATIVES NEED TO BE ON THE PRIMARY BALLOT; AND AMENDING SECTION 13-38-201, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 13-38-201, MCA, is amended to read:

"**13-38-201. Election or appointment of committee representatives at primary -- vacancies -- tie votes.** (1) Each political party shall appoint or elect at each primary election one person of each sex, as defined in 1-1-201, to serve as committee representatives for each election precinct. The committee representatives must be residents and registered voters of the precinct.

(2) If a political party chooses to appoint precinct committee representatives, the political party shall make the appointments as provided in the party's rules.

(3) If a political party chooses to elect precinct committee representatives, the party may:

(a) administer the election itself as provided in the party's rules; or

(b) elect precinct committee representatives in a primary election, subject to 13-10-209 and subsection (4) of this section.

(4) In a primary election for a precinct committee representative:

(a) *(i)* if the number of candidates nominated for a party's precinct ~~committee representatives~~ *male committee representative* is less than or equal to the number of positions to be elected, the election administrator may give notice that a party's precinct ~~committee~~ *male committee representative* election ~~will~~ *may* not be held in that precinct; *and*

(ii) if the number of candidates nominated for a party's precinct female committee representative is less than or equal to the number of positions to be elected, the election administrator may give notice that a party's precinct female committee representative election may not be held in that precinct;

(b) if a party precinct committee election is not held pursuant to subsection (4)(a), the election administrator shall declare elected by acclamation the candidate who filed for the position or who filed a declaration of intent to be a write-in candidate. The election administrator shall issue a certificate of election to the designated party.

(c) write-in votes for a precinct committee representative may be counted as specified in 13-15-206(5) only if the individual whose name is written in has filed a declaration of intent as a write-in candidate by the deadline prescribed in 13-10-211(1);

(d) in the case of a tie vote for a precinct committee representative position, the county central committee shall determine a winner.

(5) Pursuant to 13-38-101, a vacancy in a precinct committee representative position must be filled by the party governing body as provided in its rules."

Approved April 17, 2025

CHAPTER NO. 218

[SB 115]

AN ACT ADJUSTING THE TIMEFRAME FOR PUBLIC NOTICES RELATED TO ELECTIONS; AMENDING SECTIONS 13-15-105 AND 13-17-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 13-15-105, MCA, is amended to read:

"**13-15-105. Notices relating to absentee ballot counting board.** (1) Not more than ~~10 days~~ *12 days* or less than 2 days before an election, the election administrator shall broadcast on radio or television, as provided in 2-3-105 through 2-3-107, or publish in a newspaper of general circulation in the county a notice indicating the method that will be used for counting absentee ballots and the place and time that the absentee ballots will be counted.

(2) If the count will begin before the polls close, the notice required under subsection (1) must inform the public that any person observing the procedures of the count is required to take the oath provided in 13-15-207(4) and is subject to 13-35-241."

Section 2. Section 13-17-203, MCA, is amended to read:

"**13-17-203. Publication of information concerning voting systems.** (1) Not more than ~~10~~ *12 days* or less than 2 days before an election at which a voting system will be used by voters, the election administrator shall broadcast on radio or television, as provided in 2-3-105 through 2-3-107, or publish in a newspaper of general circulation in the county:

(a) a diagram showing the voting system to be used by voters and a sample of the ballot layout (in newspaper only);

(b) a statement of the locations where voting systems to be used by voters are on public exhibition; and

(c) instructions on how to vote.

(2) The election administrator shall select the method of notification that the election administrator believes is best suited to reach the largest number of potential electors."

Section 3. Effective date. [This act] is effective on passage and approval.

Approved April 17, 2025

CHAPTER NO. 219

[SB 83]

AN ACT AUTHORIZING THE FISH AND WILDLIFE COMMISSION TO ADOPT RULES GOVERNING THE PUBLIC USE OF PRIVATE PROPERTY UNDER AN ACTIVE PUBLIC ACCESS AGREEMENT WITH A PRIVATE LANDOWNER; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 87-1-301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 87-1-301, MCA, is amended to read:

"**87-1-301. Powers of commission.** (1) Except as provided in subsections (6) and (7), the commission:

(a) shall set the policies for the protection, preservation, management, and propagation of the wildlife, fish, game, furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment of all other responsibilities of the department related to fish and wildlife as provided by law;

(b) shall establish the hunting, fishing, and trapping rules of the department;

(c) except as provided in 23-1-111 and 87-1-303(3), shall establish the rules of the department governing the use of lands owned or controlled by the department and waters under the jurisdiction of the department;

(d) shall adopt the rules of the individual landowners governing the public use of each landowner's private property managed by the department under active public access agreements with private landowners;

~~(d)~~*(e)* must have the power within the department to establish wildlife refuges and bird and game preserves;

~~(e)~~*(f)* shall approve all acquisitions or transfers by the department of interests in land or water, except as provided in 23-1-111 and 87-1-209(2) and (4);

~~(f)~~*(g)* except as provided in 23-1-111, shall review and approve the budget of the department prior to its transmittal to the office of budget and program planning;

~~(g)~~*(h)* except as provided in 23-1-111, shall review and approve construction projects that have an estimated cost of more than $1,000 but less than $5,000;

~~(h)~~*(i)* shall manage elk, deer, and antelope populations based on habitat estimates determined as provided in 87-1-322 and maintain elk, deer, and antelope population numbers at or below population estimates as provided in 87-1-323. In developing or implementing an elk management plan, the commission shall consider landowner tolerance when deciding whether to restrict elk hunting on surrounding public land in a particular hunting district. As used in this subsection ~~(1)(h)~~ *(1)(i)*, "landowner tolerance" means the written or documented verbal opinion of an affected landowner regarding the impact

upon the landowner's property within the particular hunting district where a restriction on elk hunting on public property is proposed.

~~(i)~~*(j)* shall set the policies for the salvage of antelope, deer, elk, or moose pursuant to 87-3-145;

~~(j)~~*(k)* shall comply with, adopt policies that comply with, and ensure the department implements in each region the provisions of state wildlife management plans adopted following an environmental review conducted pursuant to Title 75, chapter 1, parts 1 through 3; and

~~(k)~~*(l)* shall review and approve the issuance of an either-sex or antlerless elk license, permit, or combination thereof to a landowner or a landowner's designee pursuant to 87-2-513.

(2) The commission may adopt rules regarding the use and type of archery equipment that may be employed for hunting and fishing purposes, taking into account applicable standards as technical innovations in archery equipment change.

(3) The commission may adopt rules regarding the establishment of special licenses or permits, seasons, conditions, programs, or other provisions that the commission considers appropriate to promote or enhance hunting by Montana's youth and persons with disabilities.

(4) (a) The commission may adopt rules regarding nonresident big game combination licenses to:

(i) separate deer licenses from nonresident elk combination licenses;

(ii) set the fees for the separated deer combination licenses and the elk combination licenses without the deer tag;

(iii) condition the use of the deer licenses; and

(iv) limit the number of licenses sold.

(b) The commission may exercise the rulemaking authority in subsection (4)(a) when it is necessary and appropriate to regulate the harvest by nonresident big game combination license holders:

(i) for the biologically sound management of big game populations of elk, deer, and antelope;

(ii) to control the impacts of those elk, deer, and antelope populations on uses of private property; and

(iii) to ensure that elk, deer, and antelope populations are at a sustainable level as provided in 87-1-321 through 87-1-325.

(5) (a) Subject to the provisions of subsection (5)(b), the commission may adopt rules to:

(i) limit the number of nonresident mountain lion hunters in designated hunting districts; and

(ii) determine the conditions under which nonresidents may hunt mountain lion in designated hunting districts.

(b) The commission shall adopt rules for the use of and set quotas for the sale of Class D-4 nonresident hound licenses by hunting district, portions of a hunting district, group of districts, or administrative regions.

(c) The commission shall consider, but is not limited to consideration of, the following factors:

(i) harvest of lions by resident and nonresident hunters;

(ii) history of quota overruns;

(iii) composition, including age and sex, of the lion harvest;

(iv) historical outfitter use;

(v) conflicts among hunter groups;

(vi) availability of public and private lands; and

(vii) whether restrictions on nonresident hunters are more appropriate than restrictions on all hunters.

(6) The commission may not regulate the use or possession of firearms, firearm accessories, or ammunition, including the chemical elements of ammunition used for hunting. This does not prevent:

(a) the restriction of certain hunting seasons to the use of specified hunting arms, such as the establishment of special archery seasons and the special muzzleloader heritage hunting season established in 87-1-304;

(b) for human safety, the restriction of certain areas to the use of only specified hunting arms, including bows and arrows, traditional handguns, and muzzleloading rifles;

(c) the restriction of the use of shotguns for the hunting of deer and elk pursuant to 87-6-401(1)(f);

(d) the regulation of migratory game bird hunting pursuant to 87-3-403; or

(e) the restriction of the use of rifles for bird hunting pursuant to 87-6-401(1)(g) or (1)(h).

(7) Pursuant to 23-1-111, the commission does not oversee department activities related to the administration of state parks, primitive parks, state recreational areas, public camping grounds, state historic sites, state monuments, and other heritage and recreational resources, land, and water administered pursuant to Title 23, chapter 1, and Title 23, chapter 2, parts 1, 4, and 9."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved April 17, 2025

CHAPTER NO. 220

[SB 80]

AN ACT AUTHORIZING THAT A PERSON MAY EXHIBIT A DIGITAL COPY OF REQUIRED DOCUMENTATION FOR TRANSPORTATION OF LIVESTOCK; AMENDING SECTION 81-3-211, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 81-3-211, MCA, is amended to read:

"**81-3-211. Inspection of livestock before change of ownership or removal from county -- transportation permits.** (1) For the purposes of this section:

(a) "Family business entity" means:

(i) a corporation whose stock is owned solely by members of the same family;

(ii) a partnership in which the partners are all members of the same family;

(iii) an association whose members are all members of the same family; or

(iv) any other entity owned solely by members of the same family.

(b) "Members of the same family" means a group whose membership is determined by including an individual, the individual's spouse, and the individual's parents, children, and grandchildren, and the spouses of each.

(c) "Rodeo producer" means a person who produces or furnishes livestock that are used for rodeo purposes.

(2) Except as otherwise provided in this part, it is unlawful to remove or cause to be removed from a county in this state any livestock or to transfer ownership by sale or otherwise or for an intended purchaser or a purchaser's agent to take possession of any livestock subject to title passing upon meeting or satisfaction of any conditions, unless the livestock have been inspected for brands by a state stock inspector or deputy state stock inspector and a

certificate of the inspection has been issued in connection with and for the purpose of the transportation or removal or of the change of ownership as provided in this part. The inspection must be made in daylight. However, the change of ownership inspection requirements of this subsection do not apply when the change of ownership transaction is accomplished without the livestock changing premises, involves part of a herd to which livestock have not been added other than by natural increase or after brand inspection, and is between:

(a) members of the same family;

(b) a member of one family and the same family's business entity; or

(c) the same family's business entities.

(3) (a) It is unlawful to sell or offer for sale at a livestock market any livestock originating within any county in this state in which a livestock market is maintained or transported under a market consignment permit until the livestock have been inspected for marks and brands by a state stock inspector, as provided in this part.

(b) It is unlawful to slaughter livestock at a licensed livestock slaughterhouse unless the livestock have been inspected for marks or brands by a state or deputy state stock inspector.

(4) It is unlawful to remove or cause to be removed any livestock from the premises of a livestock market in this state unless the livestock have been released by a state stock inspector and a certificate of release for the livestock has been issued in connection with and for the purpose of the removal from the premises of the livestock market. The release obtained pursuant to this subsection permits the movement of the released livestock directly to the destination shown on the certificate.

(5) The person in charge of livestock being removed from a county in this state, when inspection is required by this section, when a change of ownership has occurred, or when moved under a market consignment permit or a market release certificate, must have in the person's possession the certificate of inspection, market consignment permit, transportation permit, or market release certificate and shall exhibit the certificate to any sheriff, deputy sheriff, constable, highway patrol officer, state stock inspector, or deputy state stock inspector ~~upon~~ *on* request. *For travel and transportation purposes only, a person may satisfy the requirements of this section by possessing and exhibiting a digital copy of the required documentation.* Section 81-3-204 must be extended to livestock transported or sold under the permits.

(6) The following transportation permits may be issued:

(a) If a saddle, work, or show horse is being transported from county to county in this state by the owner for the owner's personal use or business or if cattle are being transported from county to county in this state by their owner for show purposes and there is no change of ownership, the inspection certificate required by this section may be endorsed, as to the purpose and extent of transportation, by the inspector issuing the certificate in order to serve as a travel permit in this state for a period not to exceed 1 year for the horse or cattle described in the certificate. The permit becomes void upon any transfer of ownership or if the horse or cattle are to be removed from the state. If the permit is void, an inspection must be secured for removal and the endorsed certificate must be surrendered.

(b) The owner of a saddle, work, or show horse may apply for a permanent transportation permit valid for both interstate and intrastate transportation of the horse until there is a change of ownership. The horse must have either a registered brand that has been legally cleared or a lip tattoo or the owner is required to present proof of ownership to a state stock inspector or a specially

qualified deputy stock inspector. A written application, on forms to be provided by the department, must be completed by the owner and presented to a state stock inspector or a specially qualified deputy stock inspector, together with a permit fee established by the department, for each horse. The application must contain a thorough physical description of the horse and list all brands and tattoos carried by the horse. Upon approval of the application by a state stock inspector, a permanent transportation permit must be issued by the department to the owner for each horse, and the permit is valid for the life of the horse. If there is a change in ownership of a horse, the permit automatically is void. The permit must accompany the horse for which it was issued at all times while the horse is in transit. This permit is in lieu of other permits and certificates required under the provisions of this section. The state of Montana shall recognize as valid permanent transportation permits issued in other jurisdictions to the owner of a saddle, work, or show horse subsequently entering the state. A permit is automatically void upon a change of ownership.

(c) When livestock owned by and bearing the registered brand of a bona fide rodeo producer are being transported from county to county in this state by the owner for rodeo purposes and there is no change of ownership, the inspection certificate required by this section may be endorsed, as to the purpose and extent of transportation, by the inspector issuing the certificate in order to serve as a travel permit in this state for the livestock described in the certificate. The certificate is effective for the calendar year for which it is issued. The certificate must be issued by a state stock inspector.

(d) The owner of a bull bearing the registered brand of a bona fide rodeo producer may apply for a permanent transportation permit valid for both interstate and intrastate transportation of the bull until there is a change of ownership. The bull must have a registered brand that has been legally cleared and a legible number brand on the shoulder or hip used for individual identification, or the owner is required to present proof of ownership to a state stock inspector or a specially qualified deputy stock inspector. A written application, on forms to be provided by the department, must be completed by the owner and presented to a state stock inspector or a specially qualified deputy stock inspector, together with a permit fee established by the department, for each bull. The application must contain a thorough physical description of the bull and list all brands and tattoos carried by the bull. Upon approval of the application by a state stock inspector, a permanent transportation permit must be issued by the department to the owner for each bull, and the permit is valid for the life of the bull. If there is a change in ownership of a bull, the permit automatically is void. The permit must accompany the bull for which it was issued at all times while the bull is in transit. This permit is in lieu of other permits and certificates required under the provisions of this section. The state of Montana shall recognize as valid permanent transportation permits issued in other jurisdictions to the owner of a rodeo bull subsequently entering the state. A permit is automatically void upon a change of ownership.

(e) (i) An owner of livestock or the owner's agent may be issued one transportation permit in a 12-month period allowing the movement of the livestock and return when the livestock are being moved for grazing purposes and when they are being moved to and from land owned or controlled by the owner of the livestock or the owner's agent:

(A) into an adjoining county; or

(B) across multiple county lines if the entire grazing range is the privately deeded property of the livestock owner.

(ii) The permit is valid for a period of 8 months from the date of issuance and must be issued by a state stock inspector.

(iii) The permit may be issued only if the livestock are branded with the permittee's brand, which must be registered in Montana, unless the animal is classified as a virgin breeding female or a nursing calf.

(iv) The department shall establish a fee for the permit, to be paid to the state stock inspector at the time the permit is issued and remitted by the inspector to the department for deposit in the state treasury to the credit of the state special revenue fund for the use of the department. This permit may be used in lieu of the inspection and certificate required by this section for movement of livestock across a county line.

(7) Before any removal or change of ownership may take place, the seller of livestock shall request all required inspections and shall pay the required fees."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved April 17, 2025

CHAPTER NO. 221

[SB 79]

AN ACT REPEALING INSPECTION REQUIREMENTS AND PENALTIES RELATED TO DEAD ANIMALS IN FEEDLOTS; REPEALING SECTIONS 81-3-215 AND 81-3-232, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Repealer. The following sections of the Montana Code Annotated are repealed:

81-3-215. Inspection of dead animals in feedlots.

81-3-232. Penalty for noninspection of dead animal in feedlot.

Section 2. Effective date. [This act] is effective on passage and approval.

Approved April 17, 2025

CHAPTER NO. 222

[SB 78]

AN ACT GENERALLY REVISING LAWS RELATED TO THE INSPECTION AND MARKING OF HIDES AND MEAT OF SLAUGHTERED ANIMALS; ELIMINATING THE REQUIREMENT THAT EACH DRESSED CARCASS OF A SLAUGHTERED ANIMAL MUST BE STAMPED; REVISING BILL OF SALE REQUIREMENTS; AMENDING SECTION 81-9-112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 81-9-112, MCA, is amended to read:

"**81-9-112. Inspection and marking of hides and meat of slaughtered cattle or horses -- records -- bill of sale -- when inspection not necessary.** (1) All slaughtering establishments required to be licensed under 81-9-201 shall maintain the hide of an animal in its entirety with tail and ears attached for each animal slaughtered until inspected by a state or deputy state stock inspector in the county where the animal was slaughtered. The inspector shall mark the hide in the manner prescribed by the department.

This inspection may be waived for animals inspected by a state or deputy state stock inspector on a preslaughter inspection.

(2) ~~Each dressed carcass of a slaughtered animal must be stamped with an ink stamp in a manner specified by the department.~~ The inspector shall keep a record and issue a certificate of inspection as specified by the department, giving the name and address of the establishment or person, the serial number of the inspection of the hide, the brand on the hide, if applicable, the date of inspection, and the place where the inspection was made. The inspector shall forward a copy of the inspection certificate to the department and issue one copy to the person requesting the inspection.

(3) When ownership of the ~~carcass and~~ hide presented is claimed on a bill of sale, the officer making the inspection shall demand and must receive the original bill of sale and shall attach it to the inspector's certificate sent to the county clerk and recorder. When the bills of sale cover cattle or horses not included in the inspection, the inspector shall issue to the owner of the bill of sale a receipt for the bill of sale. The receipt must describe the balance of the cattle or horses covered by the original bill of sale.

~~(4) A person who kills livestock in good faith for the person's own use is not required to have the meat inspected or stamped.~~"

Section 2. Effective date. [This act] is effective on passage and approval.

Approved April 17, 2025

CHAPTER NO. 223

[SB 58]

AN ACT REVISING VOTE COUNT PROCEDURES; REQUIRING AN ELECTION ADMINISTRATOR TO CONDUCT AN INVESTIGATION WHEN THE COUNTING BOARD CANNOT RECONCILE THE TOTAL NUMBER OF BALLOTS PREPARED FOR COUNTING WITH THE RECORD OF BALLOTS ACCEPTED; REQUIRING AN ELECTION ADMINISTRATOR TO REPORT THE INVESTIGATION TO THE BOARD OF COUNTY CANVASSERS; AMENDING SECTION 13-15-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 13-15-201, MCA, is amended to read:

"**13-15-201. Preparation for count -- *investigation of reconciliation discrepancies* -- absentee ballot count procedures.** (1) Subject to 13-10-311, to prepare for a count of ballots, the counting board or, if appointed, the absentee counting board shall take ballots out of the box to determine whether each ballot is single.

(2) The board shall count all ballots to ensure that the total number of ballots corresponds with the ~~total number of names in the pollbook~~ *record of ballots accepted*.

(3) If the board cannot reconcile the total number of ballots with the ~~pollbook~~ *record of ballots accepted*, the board shall submit to the election administrator a written report stating how many ballots were missing or in excess and any reason of which they are aware for the discrepancy. Each judge on the board shall sign the report.

(a) If the discrepancy is not satisfactorily explained by the report, the election administrator shall conduct an investigation, which may include recounting the total number of ballots and reviewing the record of accepted ballots.

(b) The election administrator shall provide a report of the investigation to the board of county canvassers describing the investigation process and the reason for the discrepancy.

(4) A ballot that is not marked as official is void and may not be counted unless all judges on the board agree that the marking is missing because of an error by election officials, in which case the ballot must be marked "unmarked by error" on the back and must be initialed by all judges.

(5) If two or more ballots are folded or stuck together to look like a single ballot, they must be laid aside until the count is complete. The counting board shall compare the count with the ~~pollbooks~~ *record of accepted ballots*, and if a majority believes that the ballots folded together were marked by one elector, the ballots must be rejected and handled as provided in 13-15-108, otherwise they must be counted.

(6) Only valid absentee ballots may be counted in an election conducted under this chapter.

(7) For the purpose of this chapter, a marked absentee ballot is valid only if:

(a) the elector's signature on the affirmation on the signature envelope is verified pursuant to 13-13-241; and

(b) it is received before 8 p.m. on election day, except as provided in 13-21-206 and 13-21-226.

(8) (a) A ballot is invalid if:

(i) problems with the ballot have not been resolved pursuant to 13-13-245;

(ii) any identifying marks are placed on the ballot by the elector, which must result in the immediate rejection of the ballot without notice to the elector; or

(iii) except as provided in subsection (8)(b), more than one ballot is enclosed in a single signature or secrecy envelope.

(b) The provisions of subsection (8)(a)(iii) do not apply if:

(i) there are multiple elections being held at the same time and the envelope contains only one ballot for each election; or

(ii) the signature envelope contains ballots from the same household, each ballot is in its own secrecy envelope, and the signature envelope contains a valid signature for each elector who has returned a ballot."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved April 17, 2025

CHAPTER NO. 224

[SB 23]

AN ACT REVISING RAILROAD REGULATIONS; ALLOWING THE COMMISSION TO SET REPORTING THRESHOLDS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 69-14-252, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 69-14-252, MCA, is amended to read:

"**69-14-252. Accident reports.** *(1)* A railroad company operating any line of railroad within this state shall promptly ~~upon~~ *on* the occurrence of ~~any accident~~ *an accident* report the accident to the commission. The report must include the time and place of the accident, the names of any persons killed or injured, and the value of any property destroyed."

(2) The commission may adopt rules to set reporting thresholds and implement this section."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved April 17, 2025

CHAPTER NO. 225

[SB 11]

AN ACT GENERALLY REVISING LOCAL GOVERNMENT BALLOT ISSUES; PROVIDING DEFINITIONS; PROVIDING REQUIREMENTS AND PROCEDURES FOR LOCAL GOVERNMENT BALLOT ISSUES; PROVIDING PROCEDURES FOR SIGNATURE GATHERING AND SIGNATURE VERIFICATION; AMENDING SECTIONS 3-10-101, 3-11-101, 7-1-4130, 7-3-1204, 7-5-131, 7-6-1504, 13-1-201, 13-10-612, 13-27-611, 16-1-205, 16-12-301, AND 16-12-311, MCA; REPEALING SECTIONS 7-5-132, 7-5-133, 7-5-134, AND 7-5-135, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Purpose. The right of the people to exercise the rights of initiative and referendum in a local government unit is guaranteed by Article XI, section 8, of the Montana constitution and may be exercised through adherence to the procedures established in [sections 1 through 13].

Section 2. Definitions. As used in [sections 1 through 13], unless the context clearly indicates otherwise, the following definitions apply:

(1) "Local government" means any city, town, county, or consolidated city-county.

(2) "Local government's next election held in accordance with Title 13, chapter 1, part 4" means a primary or general election that includes the regularly scheduled nomination or election of officers of that local government unit.

Section 3. Requirements for ballot issues referred by local government or by petition. A petition provided for in [sections 4 through 10] or a resolution provided for in [section 11] for an election must:

(1) embrace only a single comprehensive subject;

(2) set out fully the ordinance sought, the ordinance to be amended and the proposed amendment, or the ordinance to be repealed;

(3) be in the form provided by [sections 1 through 13]; and

(4) contain transition provisions if the measure changes terms of office or forms of government.

Section 4. Procedure for election on local government petition. (1) Except as provided in 7-5-131, the electors of a local government may, by petition, request an election on whether to enact, repeal, or amend an ordinance.

(2) Except as provided in [section 9(3)], a petition under [sections 4 through 10] signed by at least 15% of the local government's qualified electors is sufficient to require an election. In order to determine the number of signatures needed on a petition to meet the percentage requirements of this subsection, the number of electors must be the number of individuals registered to vote at the preceding general election for the local government.

(3) (a) Before a petition may be circulated for signatures, a sample petition must be submitted in the form in which it will be circulated to the county election administrator. On receiving the sample petition, the county election

administrator shall designate a ballot issue and its number pursuant to subsection (3)(b) and then promptly refer a copy of the sample petition to the attorney for the relevant local government unit.

(b) The election administrator shall serially number all submitted petitions that are approved as to form continuously from year to year. The numbering system must distinguish the different types of petitions received and include provisions for numbering measures referred to the people by a governing body. The election administrator may distinguish the numbering system for each local government unit.

(4) (a) The local government attorney shall review the sample petition for proper form and compliance with 7-5-131 and [sections 1 through 13].

(b) If the sample petition is rejected as to form, within 21 days after submission of the sample petition, the local government attorney shall send written notice and a statement of the reasons for rejection to the person who submitted the sample petition and the county election administrator.

(c) If the sample petition is approved as to form, within 21 days after submission of the sample petition, the local government attorney shall send written notice to the person who submitted the sample petition and the county election administrator. This notice must include the statement of purpose and implication and the yes and no statement prepared by the local government attorney pursuant to subsections (5) and (6) of this section.

(5) If the sample petition is approved as to form, the local government attorney shall prepare a concise statement of purpose and implication not exceeding 135 words. The statement of purpose and implication must be an accurate and impartial explanation of the purpose of the proposed ballot issue in plain, easily understood language. The statement may not be an argument and may not be written so as to create prejudice for or against the issue. The statement prepared pursuant to this subsection, unless altered by court order, must be used as the petition title and the ballot statement if the issue is placed on the ballot. For the purposes of this subsection (5), the word limit does not apply to additional statements required on the ballot by law, including those provided in 7-7-111 and 15-10-425(3).

(6) (a) At the time the statement of purpose and implication is prepared, the local government attorney shall prepare a yes and no statement. A yes and no statement specifies that a positive vote indicates support for the issue and a negative vote indicates opposition to the issue.

(b) The yes and no statement must be placed beside the diagram provided for marking of the ballot in a manner similar to the following:

☐ YES on (insert the type of ballot issue and its number)

☐ NO on (insert the type of ballot issue and its number)

(c) The type of ballot issue and its number required by subsection (6)(b) must be designated by the election administrator at the time the petition is sent to the local government attorney for review as provided in subsection (3).

(d) The yes and no statement may not include additional material beyond the requirements of subsection (6)(b).

Section 5. Form of petition. (1) A local government petition must be substantially in the form provided by [sections 4 through 10]. Clerical or technical errors that do not interfere with the ability to judge the sufficiency of signatures on the petition do not render a petition void.

(2) (a) Petition sheets may not exceed 8 1/2 x 14 inches in size. Separate sheets of a petition may be fastened in sections of not more than 25 sheets.

(b) Near the top of each sheet containing signature lines must be printed the number of the ordinance referred or the petition title. If signature lines are

printed on both the front and back of a petition sheet, the information required above must appear on both the front and back of the sheet.

(c) The complete text of the issue proposed or referred must be attached to or contained within each signature sheet if sheets are circulated separately. The text of the issue must be in the format prescribed by the governing body pursuant to 7-5-103(1) and, unless otherwise provided by the governing body of the local government, use the style and language and form guide of the most recent edition of the bill drafting manual furnished by the legislative services division. If sheets are circulated in sections, the complete text of the issue must be attached to each section.

(3) An internet posting of petition language must include a statement that the petition language and format may not be modified. An internet posting must include an affidavit in substantially the same form as provided in [section 6].

(4) Unless otherwise provided by law, the following is substantially the form for a local government petition calling for approval or rejection of an ordinance:

PETITION TO PLACE [ORDINANCE NO.____ OR PROPOSED ORDINANCE NO. ____] ON THE ELECTION BALLOT

(a) If [insert appropriate percentage of voters or appropriate number of voters] of [insert appropriate local government unit] voters sign this petition, this proposal will appear on the election ballot of [insert appropriate local government entity] to be conducted on [insert date of election]. If a majority of voters vote for this proposal at that election it will become law.

(b) We, the undersigned [insert appropriate local government entity] voters, propose that the county election administrator place the following proposal on the election ballot:

(Petition title written in conformity with [section 4])

(Yes and no statement written in conformity with [section 4])

(c) Voters are urged to read the complete text of the proposal, which appears (on the reverse side of, attached to, etc., as applicable) this sheet. A signature on this petition is only to put the proposal on the ballot and does not necessarily mean the signer agrees with the proposal.

(d)

WARNING

A person who purposefully signs a name other than the person's own to this petition, who signs more than once for the same issue at one election, or signs when not a legally registered Montana voter is subject to a $500 fine, 6 months in jail, or both.

(e) Each person is required to sign the person's name and list the person's address or telephone number in substantially the same manner as on the person's voter registration form or the signature will not be counted.

(5) Numbered lines must follow the heading. Each numbered line must contain spaces for the signature, date, residence address, and printed last name and first and middle initials of the signer. In place of a residence address, the signer may provide the signer's post-office address or the signer's home telephone number. An address provided on a petition by the signer that differs from the signer's address as shown on the signer's voter registration form may not be used as the only means to disqualify the signature of that petition signer.

Section 6. Affidavit to accompany signatures. An affidavit, in substantially the form provided in 1-6-105 or in the following form, must be attached to each petition sheet or petition section submitted to the county official:

I, (name of person who is the signature gatherer), swear that I gathered the signatures on the petition to which this affidavit is attached on the stated dates,

that I believe the signatures on the petition are genuine, are the signatures of the person whose names they purport to be, and are the signatures of [insert appropriate local government unit] electors who are registered at the address or have the telephone number following the person's signature, and that the signers knew the contents of the petition before signing the petition.

_____
(Date on which the first signature was gathered)

_____
(Signature of petition signature gatherer)

_____
(Address of petition signature gatherer)

Subscribed and sworn to me this ___ day of ____, 20__
Seal

_____
(Person authorized to take oaths)

_____
(Title or notarial information)

Section 7. Petition signatures. (1) A petition approved as to form may not be circulated for the purpose of signature gathering more than 1 year prior to the final date for filing the signed petition with the county election administrator.

(2) A local government petition may be signed only by a qualified elector of the local government.

(3) A person gathering signatures for a petition may not be paid anything of value based on the number of signatures gathered.

(4) Signatures may be withdrawn from a petition up to the time of final submission of petition sheets.

(5) Signatures must be verified in the manner provided in 13-27-103.

Section 8. Governing body review of petition. (1) The governing body of the local government may, within 60 days of receiving the petition, take the action called for in the petition. If the action is taken, the question need not be submitted to the electors. If the county election administrator has already certified the ballot issue pursuant to [section 9], the results of the election are void.

(2) If the governing body does not within 60 days take the proposed action and the ballot issue is certified by the county election administrator, then the question must be submitted to the electors at the election specified in the petition.

Section 9. Submission of signatures -- certification -- election. (1) Signed sheets or sections of petitions with original signatures must be:

(a) collected and filed with the official responsible for the registration of electors in the county in which the signatures were obtained within 90 days of the date of the notice that the petition was approved as to form pursuant to [section 4]; and

(b) submitted no later than 4 weeks before the certification date specified in subsection (2) of this section.

(2) The county election administrator shall certify a local government ballot issue for a local government election no later than 85 days before the election.

(3) Subject to [section 7(1)] and subsections (1) and (2) of this section, an election on an approved petition containing sufficient signatures held pursuant to [sections 1 through 13] must be conducted in conjunction with the local government's next election held in accordance with Title 13, chapter 1, part 4. However, if the petition requests a special election, is signed by at least

25% of the qualified electors, and otherwise complies with the requirements of subsections (1) and (2) of this section, a special election must be held on the date specified in the petition. In order to determine the number of signatures needed on a petition to meet the percentage requirements of this subsection (3), the number of electors must be calculated as provided in [section 4(2)].

Section 10. Delay of effective date of ordinance -- suspension of emergency ordinance. (1) If an approved petition containing sufficient signatures is filed prior to the ordinance's effective date or within 60 days after the passage of the ordinance, whichever is later, a petition requesting an election on whether to amend or repeal the ordinance delays the ordinance's effective date until the ordinance is ratified by the electors.

(2) If an approved petition containing sufficient signatures is filed within 60 days after the effective date of an emergency ordinance, the emergency ordinance is suspended until it is ratified by the electors.

Section 11. Ballot issue referred by governing body of local government. (1) A governing body of a local government may refer an existing or proposed ordinance to a vote of the people by resolution.

(2) Unless otherwise provided by law, an ordinance referred to a vote of the people by the governing body of a local government must comply with the statement of purpose and implication requirements of [section 4(5)] and the yes and no statement requirements provided by [section 4(6)].

(3) The governing body of the local government shall transmit a local government ballot issue referred to a vote of the people according to the requirements of Title 13, chapter 1, part 4. The election administrator shall designate a ballot issue and its number as provided in [section 4] when the election administrator receives the transmission of a ballot issue by the governing body pursuant to this section.

Section 12. Effective date of local government ballot issue. If a majority of people voting on the question of a local government ballot issue conducted pursuant to [sections 1 through 13] approve the proposal, the local government ballot issue becomes effective when the election results are officially declared, unless otherwise stated in the proposal.

Section 13. Suit to determine validity and constitutionality of petition and proposed action. (1) The governing body of the local government may direct that a suit be brought in district court by the local government to determine whether the proposed action is valid and constitutional. The suit must be initiated within 14 days of the date a petition is approved as to form under [section 4].

(2) An action brought under this section takes precedence over other cases and matters in the district court. The court shall render a decision as soon as possible as to whether the proposed action is valid and constitutional.

(3) If the defendant prevails, the defendant is entitled to be reimbursed by the local government for costs and reasonable attorney fees incurred.

(4) The 90-day period during which petition signatures must be collected under [section 10] begins on the date of the court order resolving the suit.

Section 14. Section 3-10-101, MCA, is amended to read:

"**3-10-101. Number and location of justices' courts -- authorization to combine with city court -- justice's court of record.** (1) There must be at least one justice's court in each county of the state, which must be located at the county seat. The board of county commissioners shall designate the number of justices in each justice's court.

(2) The board of county commissioners of each county of the state may establish:

(a) one additional justice's court located anywhere in the county; and

(b) one additional justice's court located in each city having a population of over 5,000, as provided in subsection (3).

(3) A city having a population of over 5,000 may, by resolution, request the board of county commissioners to constitute a justice's court in the city. A justice's court must be established in the city if the board of county commissioners approves the request by resolution.

(4) A justice of the peace of a court established pursuant to subsection (3) may act as the city judge upon passage of a city ordinance authorizing the action and upon approval of the ordinance by resolution of the board of county commissioners. If the ordinance and resolution are passed, the city and the county shall enter into an agreement for proportionate payment of the justice's salary, as established under 3-10-207 and 3-11-202, and for proportionate reimbursement for the use of facilities.

(5) A county may establish the justice's court as a court of record. If the justice's court is established as a court of record, it must be known as a "justice's court of record" and, in addition to the provisions of this chapter, is also subject to the provisions of 3-10-115 and 3-10-116. The court's proceedings must be recorded by electronic recording or stenographic transcription and all papers filed in a proceeding must be included in the record. A justice's court of record may be established by a resolution of the county commissioners or pursuant to ~~7-5-131 through 7-5-135 and~~ 7-5-137 *and [sections 1 through 13]*."

Section 15. Section 3-11-101, MCA, is amended to read:

"**3-11-101. City court established -- city court of record.** (1) A city court is established in each city or town. A city judge shall establish regular sessions of the court. On judicial days, the court must be open for all business, civil and criminal. On nonjudicial days, as defined in 3-1-302, the court may transact criminal business only.

(2) A city may establish the city court as a court of record. If the city court is established as a court of record, it must be known as a "city court of record". The court's proceedings must be recorded by electronic recording or stenographic transcription, and all papers filed in a proceeding must be included in the record. A city court of record may be established by a resolution of the city commissioners or pursuant to ~~7-5-131 through 7-5-135 and~~ 7-5-137 *and [sections 1 through 13]*."

Section 16. Section 7-1-4130, MCA, is amended to read:

"**7-1-4130. Petition.** Whenever a petition is authorized, unless the section authorizing the petition establishes different criteria, the petition is subject to ~~7-5-131 through 7-5-135 and~~ 7-5-137 *and [sections 1 through 13]*."

Section 17. Section 7-3-1204, MCA, is amended to read:

"**7-3-1204. Petition for city-county consolidated government -- election required.** (1) The question of the abandonment and termination of the separate corporate existence and government of a county and of each city and town ~~therein~~ *within the county* and the consolidation and merging of the existence and government of the county and each of the cities and towns ~~therein~~ *within the county* into one municipal corporation and government under the provisions of this part and part 13 ~~shall~~ *must* be submitted to the registered electors of the county if a petition is filed in the office of the election administrator of the county, signed by at least 20% of the electors of the county whose names appear on the official register of voters of the county on the date of the filing of the petition, requesting that ~~such~~ *the* question be submitted to the registered electors of the county.

(2) The petition ~~shall~~ *must* be substantially in the form and ~~shall~~ *must* be signed, verified, and filed in the manner prescribed in ~~7-5-132 through 7-5-135 and~~ 7-5-137 *and [sections 1 through 13]* for initiative and referendum petitions

and ~~shall~~ *must* designate ~~therein~~ *within the petition* the name by which the consolidated government is to be known, which must be either that of the county or of some one of the cities or towns ~~therein~~ *within the county*."

Section 18. Section 7-5-131, MCA, is amended to read:

"**7-5-131. Right of initiative and referendum.** (1) Except as provided in subsection (2), the powers of initiative and referendum are reserved to the electors of each local government. Resolutions and ordinances within the legislative jurisdiction and power of the governing body of the local government may be proposed or amended and prior resolutions and ordinances may be repealed in the manner provided in ~~7-5-132 through 7-5-135 and~~ 7-5-137 *and [sections 1 through 13]*.

(2) The powers of initiative do not extend to the following:

(a) the annual budget;

(b) bond proceedings, except for ordinances authorizing bonds;

(c) the establishment and collection of charges pledged for the payment of principal and interest on bonds;

(d) the levy of special assessments pledged for the payment of principal and interest on bonds;

(e) the prioritization of the enforcement of any state law by a unit of local government; or

(f) the regulation of auxiliary containers, defined in 7-1-121(4), as prohibited by 7-1-121(2)."

Section 19. Section 7-6-1504, MCA, is amended to read:

"**7-6-1504. Resort tax -- election required -- procedure -- notice.** (1) A resort community, resort area, or resort area district may not impose or, except as provided in 7-6-1505, amend or repeal a resort tax unless the resort tax question has been approved by a majority of the qualified electors voting on the question.

(2) The resort tax question may be presented to the qualified electors of:

(a) a resort community by a petition of the electors as provided in ~~7-5-131, 7-5-132, 7-5-134, 7-5-135, and~~ 7-5-137 *and [sections 1 through 13]* or by a resolution of the governing body of the resort community;

(b) a resort area by a resolution of the board of county commissioners, following receipt of a petition of electors as provided in 7-6-1508;

(c) an existing resort area district by a resolution of the board of directors of the resort area district in accordance with special district election procedures provided in 13-1-501 through 13-1-505.

(3) If a proposed resort area is in more than one county, the resort tax question must be presented to and approved by the qualified electors in the resort area of each county.

(4) The petition or resolution referring the taxing question must state:

(a) the rate of the resort tax;

(b) the duration of the resort tax;

(c) the date when the tax becomes effective, which date may not be earlier than 35 days after the election; and

(d) the purposes that may be funded by the resort tax revenue. If the petition or resolution includes the additional tax provided for in 7-6-1503(1)(b)(i), the revenue from the additional tax must be designated for infrastructure and the specific uses must be identified in the petition or resolution. The additional levy for infrastructure authorized under this subsection (4)(d) terminates when the specified infrastructure debts and project costs are paid unless the board submits and the qualified electors approve another levy for infrastructure.

(5) On receipt of an adequate petition, the governing body shall hold an election in accordance with Title 13, chapter 1, part 5.

(6) (a) Before the resort tax question is submitted to the electorate of a resort community or resort area, the governing body of the resort community or the board of county commissioners in the county in which the resort area is located shall provide notice of the goods and services subject to the resort tax by a method described in 13-1-108.

(b) The notice must be given two times, with at least 6 days separating the notices. The first notice must be no more than 45 days prior to the election, and the last notice must be no less than 30 days prior to the election.

(7) Notice of the election must be given as provided in 13-1-108 and include the information listed in subsection (4) of this section.

(8) The question of the imposition of a resort tax may not be placed before the qualified electors more than once in any fiscal year.

(9) The governing body, as defined in 7-6-1505, of a resort area, resort area district, or resort community that already imposes a resort tax may submit to the qualified electors of the resort area, resort area district, or resort community the question of whether to levy the additional resort tax provided for in 7-6-1503(1)(b)(i). The election must be noticed as provided in this section and conducted as provided in 13-1-501 through 13-1-505."

Section 20. Section 13-1-201, MCA, is amended to read:

"**13-1-201. Chief election officer.** The secretary of state is the chief election officer of this state, and it is the secretary of state's responsibility to obtain and maintain uniformity in the application, operation, and interpretation of the election laws other than those in Title 13, chapter 35, 36, or 37*, or [sections 1 through 13]*."

Section 21. Section 13-10-612, MCA, is amended to read:

"**13-10-612. Violations -- penalties.** A person who knowingly makes a false entry on a petition or affidavit ~~under this part~~ *required by Title 13, chapter 27, or [sections 1 through 13]* or who knowingly signs a petition to qualify the same political party for the same primary election more than once is guilty of unsworn falsification or tampering with public records or information, as appropriate, and is punishable as provided in 45-7-203 or 45-7-208, as applicable."

Section 22. Section 13-27-611, MCA, is amended to read:

"**13-27-611. Physical prevention of obtaining signatures or physical intimidation of signature gatherers prohibited.** A person may not knowingly or purposefully physically prevent an individual from obtaining signatures or attempting to obtain signatures on a petition for a statewide *or local government* ballot issue or physically intimidate another individual when that individual is obtaining or attempting to obtain signatures on a petition for a statewide *or local government* ballot issue. A person who violates this section is guilty of a misdemeanor and ~~upon~~ *on* conviction shall be punished by a fine of not more than $500, by imprisonment for not more than 90 days, or by both a fine and imprisonment."

Section 23. Section 16-1-205, MCA, is amended to read:

"**16-1-205. Local option.** The electors of a county may, by approving an initiative as provided under ~~7-5-131 through 7-5-135 and~~ 7-5-137 *and [sections 1 through 13]*, prohibit the sale and consumption of liquor or of all alcoholic beverages within the county. If the initiative is presented to the board of county commissioners, the board may not approve it but shall submit the proposal to the people as provided in ~~7-5-132~~ *[section 4]*."

Section 24. Section 16-12-301, MCA, is amended to read:

"**16-12-301. Local government authority to regulate -- opt-in requirement in certain counties -- exemption for existing licensees.** (1) (a) Except as provided in subsection (1)(b), a marijuana business may not

operate in a county in which the majority of voters voted against approval of Initiative Measure No. 190 in the November 3, 2020, general election until:

(i) the category or categories of license that the marijuana business seeks has or have been approved by the local jurisdiction where the marijuana business intends to operate as provided in subsection (3) or (4); and

(ii) the business is licensed by the department pursuant to this chapter.

(b) A former medical marijuana licensee that does not apply for licensure as an adult-use dispensary may operate in its existing premises in compliance with rules adopted by the department pursuant to 16-12-201(2) notwithstanding a local jurisdiction's failure to take action pursuant to subsections (3) through (6).

(c) A former medical marijuana licensee that intends to apply for licensure as a cultivator, manufacturer, adult-use dispensary, or testing laboratory may operate in compliance with rules adopted by the department pursuant to 16-12-201(2) notwithstanding a local jurisdiction's failure to take action pursuant to subsections (3) through (6), provided that the former marijuana licensee has remained in good standing with the department.

(d) For the purpose of this section, the marijuana business categories that must be approved by a local jurisdiction under subsections (3) through (6) in a county in which the majority of voters voted against approval of Initiative Measure No. 190 in the November 3, 2020, general election before a business may operate are:

(i) cultivator;

(ii) manufacturer;

(iii) medical marijuana dispensary, except as provided in subsection (1)(b);

(iv) adult-use dispensary;

(v) combined-use marijuana licensee;

(vi) testing laboratory; and

(vii) marijuana transporter facility.

(e) Marijuana businesses located in counties in which the majority of voters voted to approve Initiative Measure No. 190 in the November 3, 2020, general election are not subject to the local government approval process under subsections (3) through (6).

(2) (a) To protect the public health, safety, or welfare, a local government may by ordinance or otherwise regulate a marijuana business that operates within the local government's jurisdictional area. The regulations may include but are not limited to inspections of licensed premises, including but not limited to indoor cultivation facilities, dispensaries, manufacturing facilities, and testing laboratories in order to ensure compliance with any public health, safety, and welfare requirements established by the department or the local government.

(b) A former medical marijuana licensee that does not apply for licensure as an adult-use dispensary is exempt from complying with any local governmental regulations that are adopted under this subsection after July 1, 2021, until its first license renewal date occurring after January 1, 2022, or the expiration of any grace period granted by the locality, whichever is later.

(3) An election regarding whether to approve any or all of the marijuana business categories listed in subsection (1)(d) to be located within a local jurisdiction may be requested by filing a petition in accordance with ~~7-5-131 through 7-5-135 and~~ 7-5-137 *and [sections 1 through 13]* by:

(a) the qualified electors of a county; or

(b) the qualified electors of a municipality.

(4) (a) An election held pursuant to this section must be called, conducted, counted, and canvassed in accordance with Title 13, chapter 1, part 4.

(b) An election pursuant to this section may be held in conjunction with a regular election of the governing body, general election, or a regular local or special election.

(5) If the qualified electors of a county vote to approve a type of marijuana business to be located in the jurisdiction, the governing body shall enter the approval into the records of the local government and notify the department of the election results.

(6) (a) If an election is held pursuant to this section in a county that contains within its limits a municipality of more than 5,000 persons according to the most recent federal decennial census:

(i) it is not necessary for the registered qualified electors in the municipality to file a separate petition asking for a separate or different vote on the question of whether to prohibit a category of marijuana business from being located in the municipality; and

(ii) the county shall conduct the election in a manner that separates the votes in the municipality from those in the remaining parts of the county.

(b) If a majority of the qualified electors in the county, including the qualified electors in the municipality, vote to approve a category of marijuana business to be located in the county, the county may allow that category of marijuana business to operate in the county.

(c) (i) If a majority of the qualified electors in the municipality vote to approve a category of marijuana business to be located in the municipality, the municipality may allow that type of marijuana business to operate in the municipality.

(ii) If a majority of the qualified electors in the municipality vote to prohibit a category of marijuana business from being located in the municipality, the municipality may not allow that type of marijuana business to operate in the municipality.

(d) Nothing contained in this subsection (6) prevents any municipality from having a separate election under the terms of this section.

(7) (a) A county or municipality that has voted to approve a category of marijuana business to be located in the jurisdiction or a county in which the majority of voters voted to approve Initiative Measure No. 190 in the November 3, 2020, general election may vote to prohibit the previously approved or allowed operations within the jurisdiction.

(b) A vote overturning the approval of a category of marijuana business or prohibiting the previously permitted operation of marijuana businesses is effective on the 90th day after the local election is held.

(8) A local government may not prohibit the transportation of marijuana within or through its jurisdiction on public roads by any person licensed to do so by the department or as otherwise allowed by this chapter."

Section 25. Section 16-12-311, MCA, is amended to read:

"**16-12-311. Local government excise tax-- election required -- procedure -- notice.** (1) A county that has permitted an adult-use dispensary or medical marijuana dispensary to operate within its borders pursuant to 16-12-301 or a county in which the majority of voters voted to approve Initiative Measure No. 190 in the November 3, 2020, general election, may not impose or, except as provided in this section, amend or repeal a local-option marijuana excise tax unless the local-option marijuana excise tax question has been approved by a majority of the qualified electors voting on the question.

(2) The local-option marijuana excise tax question may be presented to the qualified electors of a county by a petition of the electors as provided in ~~7-5-131, 7-5-132, 7-5-134, 7-5-135, and~~ 7-5-137 *and [sections 1 through 13]* or by a resolution of the governing body of the county.

(3) The petition or resolution referring the taxing question must state:

(a) the rate of the tax, which may not exceed 3% of the retail value of all marijuana and marijuana products sold at an adult-use dispensary or medical marijuana dispensary;

(b) the date when the tax becomes effective, which may not be earlier than 90 days after the election; and

(c) the purposes that may be funded by the tax revenue.

(4) On receipt of an adequate petition, the county's governing body shall hold an election in accordance with Title 13, chapter 1, part 5.

(5) Notice of the election must be given as provided in 13-1-108 and include the information listed in subsection (3) of this section.

(6) The question of the imposition of a local-option marijuana excise tax may not be placed before the qualified electors more than once in any fiscal year."

Section 26. Repealer. The following sections of the Montana Code Annotated are repealed:

7-5-132. Procedure for initiative or referendum election.
7-5-133. Processing of petition.
7-5-134. Signatures -- submission for approval -- statement of purpose and implication.
7-5-135. Suit to determine validity and constitutionality of petition and proposed action.

Section 27. Directions to code commissioner. Sections 13-10-612 and 13-27-611 are intended to be renumbered and codified as an integral part of Title 13, chapter 35, part 2.

Section 28. Codification instruction. [Sections 1 through 13] are intended to be codified as a new chapter in Title 13, and the provisions of Title 13 apply to [sections 1 through 13].

Section 29. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Section 30. Effective date. [This act] is effective on passage and approval.

Section 31. Applicability. [This act] applies to any local government ballot issue submitted to a local government for placement on the ballot on or after [the effective date of this act].

Approved April 17, 2025

CHAPTER NO. 226

[HB 267]

AN ACT REVISING LAWS RELATED TO DRIVING UNDER THE INFLUENCE; CREATING THE CRIME OF AGGRAVATED VEHICULAR HOMICIDE WHILE UNDER THE INFLUENCE; PROVIDING PENALTIES; AND AMENDING SECTIONS 44-15-103, 46-18-201, 61-8-1007, 61-8-1008, AND 61-8-1016, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Aggravated vehicular homicide while under the influence. (1) A person commits the offense of aggravated vehicular homicide while under the influence if the person causes the death of another human being while the person is operating a vehicle in violation of 61-8-1002(1)(a),

(1)(b), (1)(c), or (1)(d) and in violation of aggravated driving under the influence as defined in 61-8-1001.

(2) Aggravated vehicular homicide while under the influence is not an included offense of deliberate homicide as described in 45-5-102(1)(b).

(3) A person convicted of aggravated vehicular homicide while under the influence shall be imprisoned in a state prison for a term of not less than 3 years or more than 30 years or be fined an amount of at least $10,000 not to exceed $50,000, or both. Imposition of a sentence may not be deferred. The court may not suspend execution of the first 3 years of a sentence of imprisonment imposed under this subsection except as provided in 46-18-222(1) through (5).

Section 2. Section 44-15-103, MCA, is amended to read:

"**44-15-103. Definitions.** As used in this part, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Affirmative authorization" means an action that demonstrates the intentional decision by an individual to opt into the retention of the individual's facial biometric data by a third-party vendor.

(2) "Another jurisdiction" means the federal government, the United States military, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, a federally recognized Indian tribe, or a state other than Montana.

(3) "Continuous facial surveillance" means the monitoring of public places or third-party image sets using facial recognition technology for facial identification to match faces with a prepopulated list of face images. The term includes but is not limited to scanning stored video footage to identify faces in the stored data, real-time scanning of video surveillance to identify faces passing by the cameras, and passively monitoring video footage using facial recognition technology for general surveillance purposes without a particularized suspicion of a specific target.

(4) "Department" means the department of justice.

(5) "Digital driver's license" means a secure version of an individual's physical driver's license or identification card that is stored on the individual's mobile device.

(6) "Facial biometric data" means data derived from a measurement, pattern, contour, or other characteristic of an individual's face, either directly or from an image.

(7) (a) "Facial identification" means a computer system that, for the purpose of attempting to determine the identity of an unknown individual, uses an algorithm to compare the facial biometric data of an unknown individual derived from a photograph, video, or image to a database of photographs or images and associated facial biometric data in order to identify potential matches.

(b) The term does not include:

(i) a system used specifically to protect against unauthorized access to a particular location or an electronic device; or

(ii) a system a consumer uses for the consumer's private purposes.

(8) "Facial recognition service" or "facial recognition technology" means the use of facial identification or facial verification.

(9) "Facial verification" means the automated process of comparing an image or facial biometric data of a known individual to an image database, or to government documentation containing an image of the known individual, to identify a potential match in pursuit of the individual's identity.

(10) "Law enforcement agency" means:

(a) an agency or officer of the state of Montana or of a political subdivision that is empowered by the laws of this state to conduct investigations or to make arrests; and

(b) an attorney, including the attorney general, who is authorized by the laws of this state to prosecute or to participate in the prosecution of a person who is arrested or who may be subject to a civil action related to or concerning an arrest.

(11) "Motor vehicle division" means the division within the department of justice authorized to issue driver's licenses.

(12) "Personal information" has the same meaning as in 30-14-1704.

(13) "Public building" means any building that the state or any political subdivision of the state maintains for the use of the public.

(14) "Public employee" means a person employed by a state or local government agency, including but not limited to a peace officer.

(15) "Public official" means a person elected or appointed to a public office that is part of a state or local government agency.

(16) "Public roads and highways of this state" has the same meaning as in 15-70-401.

(17) "Serious crime" means:

(a) a crime under the laws of this state that is a violation of 45-5-102, 45-5-103, 45-5-104, 45-5-106, *[section 1],* 45-5-202, 45-5-207, 45-5-210, 45-5-212, 45-5-213, 45-5-220, 45-5-302, 45-5-303, 45-5-401, 45-5-503, 45-5-504(3), 45-5-508, 45-5-602, 45-5-603, 45-5-622, 45-5-625, 45-5-627, 45-5-628, 45-5-702, 45-5-703, 45-5-704, or 45-5-705; or

(b) a crime under the laws of another jurisdiction that is substantially similar to a crime under subsection (17)(a).

(18) "State or local government agency" means a state, county, or municipal government, a department, agency, or subdivision of a state, county, or municipal government, or any other entity identified in law as a public instrumentality. The term does not include a school district or law enforcement agency.

(19) "Vendor" has the same meaning as in 18-4-123."

Section 3. Section 46-18-201, MCA, is amended to read:

"**46-18-201. Sentences that may be imposed.** (1) (a) Whenever a person has been found guilty of an offense upon a verdict of guilty or a plea of guilty or nolo contendere, a sentencing judge may defer imposition of sentence, except as otherwise specifically provided by statute, for a period:

(i) not exceeding 1 year for a misdemeanor or for a period not exceeding 3 years for a felony; or

(ii) not exceeding 2 years for a misdemeanor or for a period not exceeding 6 years for a felony if a financial obligation is imposed as a condition of sentence for either the misdemeanor or the felony, regardless of whether any other conditions are imposed.

(b) Except as provided in 46-18-222, imposition of sentence in a felony case may not be deferred in the case of an offender who has been convicted of a felony on a prior occasion, whether or not the sentence was imposed, imposition of the sentence was deferred, or execution of the sentence was suspended.

(2) (a) Whenever a person has been found guilty of an offense upon a verdict of guilty or a plea of guilty or nolo contendere, a sentencing judge may suspend execution of sentence, except as provided in subsection (2)(b) or as otherwise specifically provided by statute, for a period up to the maximum sentence allowed or for a period of 6 months, whichever is greater, for each particular offense.

(b) (i) Except as provided in subsections (2)(b)(ii) and (2)(b)(iii), a sentencing judge may not suspend execution of sentence, including when imposing a sentence under subsection (3)(a)(vii), in a manner that would result in an offender being supervised in the community as a probationer by the department of corrections for a period of time longer than:

(A) 20 years for a sexual offender, as defined in 46-23-502;

(B) 20 years for an offender convicted of deliberate homicide, as defined in 45-5-102, or mitigated homicide, as defined in 45-5-103;

(C) 15 years for a violent offender, as defined in 46-23-502, an offender convicted of negligent homicide, as defined in 45-5-104, vehicular homicide while under the influence, as defined in 45-5-106, *aggravated vehicular homicide under the influence, as provided in [section 1],* or criminal distribution of dangerous drugs that results in the death of an individual from use of the dangerous drug, as provided in 45-9-101(5);

(D) 10 years for an offender convicted of 45-9-101, 45-9-103, 45-9-107, 45-9-109, 45-9-110, 45-9-125, 45-9-127, or 45-9-132; or

(E) 5 years for all other felony offenses.

(ii) The provisions of subsections (2)(b)(i)(A) and (2)(b)(i)(B) do not apply if the sentencing judge finds that a longer term of supervision is needed for the protection of society or the victim. The sentencing judge shall state as part of the sentence and the judgment the reasons a longer suspended sentence is needed to protect society or the victim.

(iii) The provisions of subsections (2)(b)(i)(A) and (2)(b)(i)(B) do not apply to violations of 45-6-301 if the amount of restitution ordered exceeds $50,000.

(3) (a) Whenever a person has been found guilty of an offense upon a verdict of guilty or a plea of guilty or nolo contendere, a sentencing judge may impose a sentence that may include:

(i) a fine as provided by law for the offense;

(ii) payment of costs, as provided in 46-18-232, or payment of costs of assigned counsel as provided in 46-8-113;

(iii) a term of incarceration, as provided in Title 45 for the offense, at a county detention center or at a state prison to be designated by the department of corrections;

(iv) commitment of:

(A) an offender not referred to in subsection (3)(a)(iv)(B) to the department of corrections with a recommendation for placement in an appropriate correctional facility or program; however, all but the first 5 years of the commitment to the department of corrections must be suspended, except as provided in 45-5-503(4), 45-5-507(5), 45-5-601(3), 45-5-625(4), and 45-5-711; or

(B) a youth transferred to district court under 41-5-206 and found guilty in the district court of an offense enumerated in 41-5-206 to the department of corrections for a period determined by the court for placement in an appropriate correctional facility or program;

(v) chemical treatment of sexual offenders, as provided in 45-5-512, if applicable, that is paid for by and for a period of time determined by the department of corrections, but not exceeding the period of state supervision of the person;

(vi) commitment of an offender to the department of corrections with the requirement that immediately subsequent to sentencing or disposition the offender is released to community supervision and that any subsequent violation must be addressed as provided in 46-23-1011 through 46-23-1015; or

(vii) any combination of subsection (2) and this subsection (3)(a).

(b) A court may permit a part or all of a fine to be satisfied by a donation of food to a food bank program.

(4) When deferring imposition of sentence or suspending all or a portion of execution of sentence, the sentencing judge may impose on the offender any reasonable restrictions or conditions during the period of the deferred imposition or suspension of sentence. Reasonable restrictions or conditions imposed under subsection (1)(a) or (2) may include but are not limited to:

(a) limited release during employment hours as provided in 46-18-701;

(b) incarceration in a detention center not exceeding 180 days;

(c) conditions for probation;

(d) payment of the costs of confinement;

(e) payment of a fine and accrued interest as provided in 46-18-231;

(f) payment of costs as provided in 46-18-232 and 46-18-233;

(g) payment of costs of assigned counsel as provided in 46-8-113;

(h) with the approval of the facility or program, an order that the offender be placed in a community corrections facility or program as provided in 53-30-321;

(i) with the approval of the prerelease center or prerelease program and confirmation by the department of corrections that space is available and that the offender is a suitable candidate, an order that the offender be placed in a chemical dependency treatment program, prerelease center, or prerelease program for a period not to exceed 1 year;

(j) community service;

(k) home arrest as provided in Title 46, chapter 18, part 10;

(l) payment of expenses for use of a judge pro tempore or special master as provided in 3-5-116;

(m) participation in a day reporting program provided for in 53-1-203;

(n) participation in the 24/7 sobriety and drug monitoring program provided for in Title 44, chapter 4, part 12, for a violation of aggravated driving under the influence as defined in 61-8-1001, a violation of 61-8-1002, or a second or subsequent violation of any other statute that imposes a jail penalty of 6 months or more if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime or for a violation of any statute involving domestic abuse or the abuse or neglect of a minor if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime regardless of whether the charge or conviction was for a first, second, or subsequent violation of the statute;

(o) participation in a restorative justice program approved by court order and payment of a participation fee of up to $150 for program expenses if the program agrees to accept the offender;

(p) any other reasonable restrictions or conditions considered necessary for rehabilitation or for the protection of the victim or society;

(q) with approval of the program and confirmation by the department of corrections that space is available, an order that the offender be placed in a residential treatment program; or

(r) any combination of the restrictions or conditions listed in this subsection (4).

(5) In addition to any other penalties imposed, if a person has been found guilty of an offense upon a verdict of guilty or a plea of guilty or nolo contendere and the sentencing judge finds that a victim, as defined in 46-18-243, has sustained a pecuniary loss, the sentencing judge shall, as part of the sentence, require payment of full restitution and interest to the victim, as provided in 46-18-241 through 46-18-249, whether or not any part of the sentence is deferred or suspended.

(6) (a) Except as provided in subsection (6)(b), in addition to any of the penalties, restrictions, or conditions imposed pursuant to subsections (1) through (5), the sentencing judge may include the suspension of the license

or driving privilege of the person to be imposed upon the failure to comply with any penalty, restriction, or condition of the sentence. A suspension of the license or driving privilege of the person must be accomplished as provided in 61-5-214 through 61-5-217.

(b) A person's license or driving privilege may not be suspended due to nonpayment of fines, costs, or restitution.

(7) In imposing a sentence on an offender convicted of a sexual or violent offense, as defined in 46-23-502, the sentencing judge may not waive the registration requirement provided in Title 46, chapter 23, part 5.

(8) If a felony sentence includes probation, the department of corrections shall supervise the offender unless the court specifies otherwise.

(9) When imposing a sentence under this section that includes incarceration in a detention facility or the state prison, as defined in 53-30-101, the court shall provide credit for time served by the offender before trial or sentencing.

(10) As used in this section, "dangerous drug" has the meaning provided in 50-32-101."

Section 4. Section 61-8-1007, MCA, is amended to read:

"**61-8-1007. Penalty for driving under influence -- first through third offenses.** (1) (a) Except as provided in subsection (1)(b) or (1)(c), a person convicted of a violation of 61-8-1002(1)(a) shall be punished as follows:

(i) for a first violation, by imprisonment for not less than 24 consecutive hours or more than 6 months and by a fine of not less than $600 or more than $1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 48 consecutive hours or more than 1 year and by a fine of not less than $1,200 or more than $2,000;

(ii) for a second violation, by imprisonment for not less than 7 days or more than 1 year and by a fine of not less than $1,200 or more than $2,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 14 days or more than 1 year and a fine of not less than $2,400 or more than $4,000; or

(iii) for a third violation, by imprisonment for not less than 30 days or more than 1 year and by a fine of not less than $2,500 or more than $5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 60 days or more than 1 year and by a fine of not less than $5,000 or more than $10,000.

(b) If the person has a prior conviction under 45-5-106 *or [section 1]*, the person shall be punished as provided in 61-8-1008.

(c) If the person has a prior conviction or pending charge for a violation of driving under the influence, including 61-8-1002(1)(a), (1)(b), (1)(c), or (1)(d), or a similar offense under previous laws of this state or the laws of another state that meets the definition of aggravated driving under the influence in 61-8-1001, the person shall be punished as provided in subsection (4).

(d) The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

(e) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-1009. During any suspended portion of sentence imposed by the court:

(i) the person is subject to all conditions of the suspended sentence imposed by the court, including mandatory participation in drug or DUI courts, if available;

(ii) the person is subject to all conditions of the 24/7 sobriety and drug monitoring program, if available and if imposed by the court; and

(iii) if the person violates any condition of the suspended sentence or any treatment requirement, the court may impose the remainder of any imprisonment term that was imposed and suspended.

(2) (a) Except as provided in subsection (2)(b) or (2)(c), a person convicted of a violation of 61-8-1002(1)(b), (1)(c), or (1)(d) shall be punished as follows:

(i) for a first violation, by imprisonment for not more than 6 months and by a fine of not less than $600 or more than $1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not more than 6 months and by a fine of not less than $1,200 or more than $2,000;

(ii) for a second violation, by imprisonment for not less than 5 days or more than 1 year and by a fine of not less than $1,200 or more than $2,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 10 days or more than 1 year and by a fine of not less than $2,400 or more than $4,000; or

(iii) for a third violation, by imprisonment for not less than 30 days or more than 1 year and by a fine of not less than $2,500 or more than $5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 60 days or more than 1 year and by a fine of not less than $5,000 or more than $10,000.

(b) If the person has a prior conviction under 45-5-106 *or [section 1]*, the person shall be punished as provided in 61-8-1008.

(c) If the person has a prior conviction or pending charge for a violation of driving under the influence, including 61-8-1002(1)(a), (1)(b), (1)(c), or (1)(d), or a similar offense under previous laws of this state or the laws of another state that meets the definition of aggravated driving under the influence in 61-8-1001, the person shall be punished as provided in subsection (4).

(d) The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

(e) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-1009. During any suspended portion of sentence imposed by the court:

(i) the person is subject to all conditions of the suspended sentence imposed by the court, including mandatory participation in drug or DUI courts, if available;

(ii) the person is subject to all conditions of the 24/7 sobriety and drug monitoring program, if available and if imposed by the court; and

(iii) if the person violates any condition of the suspended sentence or any treatment requirement, the court may impose the remainder of any imprisonment term that was imposed and suspended.

(3) (a) A person convicted of a violation of 61-8-1002(1)(e) shall be punished as follows:

(i) Upon a first conviction under this section, a person shall be punished by a fine of not less than $100 or more than $500.

(ii) Upon a second conviction under this section, a person shall be punished by a fine of not less than $200 or more than $500 and, if the person is 18 years of age or older, by incarceration for not more than 10 days.

(iii) Upon a third or subsequent conviction under this section, a person shall be punished by a fine of not less than $300 or more than $500 and, if the person is 18 years of age or older, by incarceration for not less than 24 consecutive hours or more than 60 days.

(iv) In addition to the punishment provided in this section, regardless of disposition:

(A) the person shall comply with the chemical dependency education course and chemical dependency treatment provisions in 61-8-1009 as ordered by the court; and

(B) the department shall suspend the person's driver's license for 90 days upon the first conviction, 6 months upon the second conviction, and 1 year upon the third or subsequent conviction. A restricted or probationary driver's license may not be issued during the suspension period until the person has paid a license reinstatement fee in accordance with 61-2-107 and, if the person was under the age of 18 at the time of the offense, has completed at least 30 days of the suspension period.

(b) A conviction under this section may not be counted as a prior offense or conviction under 61-8-1007, 61-8-1008, and 61-8-1011.

(4) (a) A person convicted of a violation under 61-8-1002 charged as aggravated driving under the influence, as defined in 61-8-1001, shall be punished as follows:

(i) for a first violation, by imprisonment for not less than 2 days or more than 1 year and by a fine of $1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 4 consecutive days or more than 1 year and by a fine of $2,000;

(ii) for a second violation, by imprisonment for not less than 15 days or more than 1 year and by a fine of $2,500, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 45 days or more than 1 year and by a fine of $5,000; or

(iii) for a third violation, by imprisonment for not less than 40 consecutive days or more than 1 year and by a fine of $5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 90 consecutive days or more than 1 year and by a fine of $10,000.

(b) The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

(c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-1009. During any suspended portion of sentence imposed by the court:

(i) the person is subject to all conditions of the suspended sentence imposed by the court, including mandatory participation in drug or DUI courts, if available;

(ii) the person is subject to all conditions of the 24/7 sobriety and drug monitoring program, if available and if imposed by the court; and

(iii) if the person violates any condition of the suspended sentence or any treatment requirement, the court may impose the remainder of any imprisonment term that was imposed and suspended.

(d) If the person has a prior conviction under 45-5-106 *or [section 1]*, the person shall be punished as provided in 61-8-1008.

(5) In addition to the punishment provided in this section, regardless of disposition, the person shall comply with the chemical dependency education course and chemical dependency treatment provisions in 61-8-1009 as ordered by the court.

(6) A person punished pursuant to this section is subject to mandatory revocation or suspension of the person's driver's license as provided in chapter 5."

Section 5. Section 61-8-1008, MCA, is amended to read:

"**61-8-1008. Penalty for driving under influence -- fourth and subsequent offenses.** (1) (a) A person convicted of a violation of driving under the influence, including 61-8-1002(1)(a), (1)(b), (1)(c), or (1)(d), an offense that meets the definition of aggravated driving under the influence in 61-8-1001, or a similar offense under previous laws of this state or the laws of another state, who has also been convicted under ~~either~~ 45-5-106 *or [section 1],* or any combination of three or more convictions under 45-5-104, 45-5-205, 45-5-628(1)(e), driving under the influence, including 61-8-1002(1)(a), (1)(b), (1)(c), or (1)(d), an offense that meets the definition of aggravated driving under the influence in 61-8-1001, or a similar offense under previous laws of this state or the laws of another state, and the offense under 45-5-104 occurred while the person was operating a vehicle while under the influence of alcohol, any drug, or any combination of alcohol and any drug, as provided in 61-8-1002(1)(a), is guilty of a felony and shall be punished by:

(i) being sentenced to the department of corrections for a term of not less than 13 months or more than 2 years for placement in either an appropriate correctional facility or a program, followed by a consecutive term of 5 years to the Montana state prison or the Montana women's prison, all of which must be suspended, and a fine of not less than $5,000 or more than $10,000; or

(ii) being sentenced to a term of up to 5 years in an appropriate treatment court program, with required completion, and a fine of not less than $5,000 or more than $10,000. If sentenced under this alternative, the person may be entitled to a suspended sentence but is not eligible for a deferred imposition of sentence.

(b) Regarding the sentence provided for in subsection (1)(a)(i):

(i) the imposition or execution of the sentence may not be deferred or suspended, and the person is not eligible for parole;

(ii) the program in subsection (1)(a)(i) may be a residential alcohol treatment program approved by the department of corrections;

(iii) following initial placement of a defendant in a residential alcohol treatment program facility, the department of corrections may, at its discretion, place the offender in another facility or program;

(iv) the court shall order that if the person successfully completes a residential alcohol treatment program approved by the department of corrections, the remainder of the 13-month to 2-year term must be served on probation with the conditions that:

(A) the person abide by the standard conditions of probation promulgated by the department of corrections;

(B) a person who is financially able to pay the costs of imprisonment, probation, and alcohol treatment under this section does so;

(C) the person may not frequent an establishment where alcoholic beverages are served;

(D) the person may not consume alcoholic beverages;

(E) the person may not operate a motor vehicle unless authorized by the person's probation officer;

(F) the person enter in and remain in an aftercare treatment program for the entirety of the probationary period;

(G) the person submit to random or routine drug and alcohol testing; and

(H) if the person is permitted to operate a motor vehicle, the vehicle be equipped with an ignition interlock system; and

(v) the sentencing judge may impose on the defendant any other reasonable restrictions or conditions during the period of probation. Reasonable restrictions or conditions may include but are not limited to:

(A) payment of a fine as provided in 46-18-231;

(B) payment of costs as provided in 46-18-232 and 46-18-233;

(C) payment of costs of assigned counsel as provided in 46-8-113;

(D) community service;

(E) any other reasonable restrictions or conditions considered necessary for rehabilitation or for the protection of society; or

(F) any combination of the restrictions or conditions listed in subsections (1)(b)(v)(A) through (1)(b)(v)(E).

(2) A person convicted of a violation of driving under the influence, including 61-8-1002(1)(a), (1)(b), (1)(c), or (1)(d), an offense that meets the definition of aggravated driving under the influence in 61-8-1001, or a similar offense under previous laws of this state or the laws of another state, and who has also been convicted under either 45-5-106 or any combination of four or more prior convictions under 45-5-104, 45-5-205, 45-5-628(1)(e), driving under the influence, including 61-8-1002(1)(a), (1)(b), (1)(c), or (1)(d), an offense that meets the definition of aggravated driving under the influence in 61-8-1001, or a similar offense under previous laws of this state or the laws of another state, and the offense under 45-5-104 occurred while the person was operating a vehicle while under the influence of alcohol, a dangerous drug, any other drug, or any combination of the three, as provided in 61-8-1002(1)(a), and the person was previously sentenced under subsection (1)(a)(i) or (1)(a)(ii), the person shall be punished by a fine of not less than $5,000 or more than $10,000, and by imprisonment in the state prison for a term of not more than 10 years. The person is not eligible for a deferred imposition of sentence.

(3) If a person has previously been convicted and sentenced under subsection (2), the person shall be punished by a fine of not less than $5,000 or more than $10,000 and by imprisonment in the state prison for a term of not more than 25 years. The person is not eligible for a deferred imposition of sentence.

(4) If a person who is presently being sentenced has previously been convicted and sentenced under subsection (3) on one or more occasions, the person shall be punished by a fine of not less than $5,000 or more than $10,000 and by imprisonment in the state prison for a term of not less than 5 years or more than 25 years. The first 5 years of the sentence may not be suspended.

(5) The provisions of 46-18-203, 46-23-1001 through 46-23-1005, 46-23-1011 through 46-23-1014, and 46-23-1031 apply to a person sentenced under this section.

(6) A person punished pursuant to this section is subject to mandatory revocation or suspension of the person's driver's license as provided in chapter 5."

Section 6. Section 61-8-1016, MCA, is amended to read:

"**61-8-1016. Implied consent -- blood or breath tests for alcohol, blood or oral fluid for drugs, or testing for both -- alcohol and drugs using recognized methods for each -- refusal to submit to test -- administrative license suspension.** (1) (a) A person who operates or is in actual physical control of a vehicle or commercial motor vehicle upon the ways of this state open to the public is considered to have given consent to a test or tests of the person's blood or breath for the purpose of determining any measured amount or detected presence of alcohol or blood or oral fluid for the purpose of determining any measured amount or detected presence of drugs in the person's body.

(b) The tests in subsection (1)(a) include but are not limited to a preliminary alcohol screening test of the person's breath for the purpose of estimating the person's alcohol concentration.

(c) A preliminary alcohol screening test may not be conducted or requested under this section unless both the peace officer and the instrument used to conduct the test have been certified by the department pursuant to rules adopted under the authority of 61-8-1019(5).

(d) The person's obligation to submit to a test in subsection (1)(a) is not satisfied by the person submitting to a preliminary alcohol screening test pursuant to this section.

(2) (a) The test or tests must be administered at the direction of a peace officer when:

(i) the peace officer has particularized suspicion to believe that the person has been driving or has been in actual physical control of a vehicle upon ways of this state open to the public while under the influence of alcohol, drugs, or a combination of the two and the person has been detained for a violation of driving under the influence as provided in 61-8-1002 or an offense that meets the definition of aggravated driving under the influence in 61-8-1001;

(ii) the person is under the age of 21 and the peace officer has particularized suspicion to believe that the person has been driving or in actual physical control of a vehicle in violation of 61-8-1002(1)(e); or

(iii) the peace officer has probable cause to believe that the person was driving or in actual physical control of a vehicle or commercial motor vehicle:

(A) in violation of driving under the influence, as provided in 61-8-1002, and the person has been placed under arrest;

(B) in violation of driving under the influence as provided in 61-8-1002, and the person has been involved in a motor vehicle crash or collision resulting in property damage;

(C) and the person has been involved in a motor vehicle accident or collision resulting in serious bodily injury, as defined in 45-2-101, or death; or

(D) in violation of driving under the influence as provided in 61-8-1002 and meets the definition of aggravated driving under the influence in 61-8-1001.

(b) A peace officer may designate which test or tests are administered.

(c) The peace officer shall inform the person of the right to refuse the test and that the refusal to submit to the test will result in the suspension for up to 1 year of that person's driver's license.

(d) A hearing as provided for in 61-8-1017 must be available. The issues in the hearing must be limited to determining whether a peace officer had a particularized suspicion that the person was in violation of 61-8-1002 or an offense meeting the definition of aggravated driving under the influence in 61-8-1001, and whether the person refused to submit to the test.

(e) If a person refuses a preliminary alcohol screening test and another test during the same incident, the department may not consider each a separate refusal for purposes of suspension of the person's driver's license.

(3) A person who is unconscious or who is otherwise in a condition rendering the person incapable of refusal is considered not to have withdrawn the consent requested in subsection (1).

(4) (a) If an arrested person refuses to submit to one or more tests requested and designated by the peace officer, the refused test or tests may not be given unless the person has refused to provide a breath, blood, urine, or other bodily substance in a prior investigation in this state or under a substantially similar statute in another jurisdiction or the arrested person has a prior conviction or pending offense for a violation of 45-5-104, 45-5-106, *[section 1],* 45-5-205, or driving under the influence, including 61-8-1002, an offense that meets the definition of aggravated driving under the influence in 61-8-1001, or a similar offense under previous laws of this state or a similar statute in another jurisdiction.

(b) On the person's refusal to provide the breath, blood, urine, oral fluid, or other bodily substance requested by the peace officer pursuant to subsection (1) and this subsection (4) may apply for a search warrant to be issued pursuant to 46-5-224 to collect a sample of the person's blood or oral fluid for testing.

(c) (i) On the person's refusal to provide a breath, blood, urine, oral fluid, or other bodily substance, the peace officer shall, on behalf of the department, immediately seize the person's driver's license. The peace officer shall immediately forward the license to the department, along with a report certified under penalty of law stating which of the conditions set forth in subsection (2)(a) provides the basis for the testing request and confirming that the person refused to submit to one or more tests requested and designated by the peace officer. Upon receipt of the report, the department shall suspend the license for the period provided in 61-8-1032.

(ii) Upon seizure of a driver's license, the peace officer shall issue, on behalf of the department, a temporary driving permit, which is effective 12 hours after issuance and is valid for 5 days following the date of issuance, and shall provide the driver with written notice of the license suspension and the right to a hearing as provided in 61-8-1017.

(iii) A nonresident driver's license seized under this section must be sent by the department to the licensing authority of the nonresident's home state with a report of the nonresident's refusal to submit to one or more tests.

(5) This section does not apply to tests, samples, and analyses of blood, breath, or urine used for purposes of medical treatment or care of an injured motorist, related to a lawful seizure for a suspected violation of an offense not in this part, or performed pursuant to a search warrant.

(6) This section does not prohibit the release of information obtained from tests, samples, and analyses of blood, breath, or urine for law enforcement purposes as provided in 46-4-301 and 61-8-1019(6)."

Approved April 25, 2025

CHAPTER NO. 227

[HB 337]

AN ACT GENERALLY REVISING INCOME TAXES; REVISING BRACKETS TO LOWER INCOME TAXES; INCREASING THE AMOUNT OF MONTANA TAXABLE INCOME BEFORE APPLICATION OF A HIGHER RATE OF

TAX; REDUCING THE HIGHEST INCOME TAX RATE; INCREASING THE EARNED INCOME TAX CREDIT; AMENDING SECTIONS 15-30-2103 AND 15-30-2318, MCA; AND PROVIDING EFFECTIVE DATES, APPLICABILITY DATES, AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-30-2103, MCA, is amended to read:

"**15-30-2103. Rate of tax -- net long-term capital gains -- definitions.** (1) Except as provided in ~~subsections (2) and (3)~~ *subsection (2)*, there must be levied, collected, and paid for each tax year on the Montana taxable income of each taxpayer subject to this chapter a tax on the brackets of taxable income as follows:

(a) for every married individual who files a joint return and for every surviving spouse:

(i) on the first ~~$41,000~~ *$95,000* of Montana taxable income or any part of that income, 4.7%;

(ii) on any Montana taxable income in excess of ~~$41,000~~ *$95,000* or any part of that income, ~~5.9%~~ *5.65%*;

(b) for every head of household:

(i) on the first ~~$30,750~~ *$71,250* of Montana taxable income or any part of that income, 4.7%;

(ii) on any Montana taxable income in excess of ~~$30,750~~ *$71,250* or any part of that income, ~~5.9%~~ *5.65%*;

(c) for every individual other than a surviving spouse or head of household who is not a married individual:

(i) on the first ~~$20,500~~ *$47,500* of Montana taxable income or any part of that income, 4.7%;

(ii) on any Montana taxable income in excess of ~~$20,500~~ *$47,500* or any part of that income, ~~5.9%~~ *5.65%*;

(d) for every married individual who does not make a joint return and for every estate or trust not exempt from taxation under the Internal Revenue Code:

(i) on the first ~~$20,500~~ *$47,500* of Montana taxable income or any part of that income, 4.7%;

(ii) on any Montana taxable income in excess of ~~$20,500~~ *$47,500* or any part of that income, ~~5.9%~~ *5.65%*.

(2) Except as provided in 15-30-3704 ~~and subsection (3) of this section~~, that portion of a taxpayer's Montana taxable income that consists of net long-term capital gains after accounting for amounts included in taxable income that is not net long-term capital gains is subject to a tax on the brackets of net long-term capital gains as follows:

(a) for every married individual who files a joint return and for every surviving spouse:

(i) on the first ~~$41,000~~ *$95,000* less nonqualified taxable income of net long-term capital gains, 3.0%;

(ii) on net long-term capital gains that exceed ~~$41,000~~ *$95,000* less nonqualified taxable income or any part of that income, 4.1%, except that if the total nonqualified taxable income is ~~$41,000~~ *$95,000* or greater, all of the net long-term capital gains are taxed at 4.1%;

(b) for every head of household:

(i) on the first ~~$30,750~~ *$71,250* less nonqualified taxable income of net long-term capital gains, 3.0%;

(ii) on any net long-term capital gains that exceed ~~$30,750~~ *$71,250* less nonqualified taxable income or any part of that income, 4.1%, except that if the

total nonqualified taxable income is ~~$30,750~~ *$71,250* or greater, all of the net long-term capital gains are taxed at 4.1%;

(c) for every individual other than a surviving spouse or head of household who is not a married individual:

(i) on the first ~~$20,500~~ *$47,500* less nonqualified taxable income of net long-term capital gains, 3.0%;

(ii) on any net long-term capital gains that exceed ~~$20,500~~ *$47,500* less nonqualified taxable income or any part of that income, 4.1%, except that if the total nonqualified taxable income is ~~$20,500~~ *$47,500* or greater, all of the net long-term capital gains are taxed at 4.1%;

(d) for every married individual who does not make a joint return and for every estate or trust that is not exempt from taxation under the Internal Revenue Code:

(i) on the first ~~$20,500~~ *$47,500* less nonqualified taxable income of net long-term capital gains, 3.0%;

(ii) on any net long-term capital gains that exceed ~~$20,500~~ *$47,500* less nonqualified taxable income or any part of that income, 4.1%, except that if the total nonqualified taxable income is ~~$20,500~~ *$47,500* or greater, all of the net long-term capital gains are taxed at 4.1%.

~~(3) By November 1 of each year, the department shall multiply the bracket amounts contained in subsections (1) and (2) by the inflation factor for the following tax year and round the cumulative brackets to the nearest $100. The resulting adjusted brackets are effective for that following tax year and must be used as the basis for imposition of the tax in subsections (1) and (2).~~

~~(4)~~*(3)* For the purposes of this section, the following definitions apply:

(a) "Net long-term capital gains" means net long-term capital gains as that term is defined in section 1222 of the Internal Revenue Code, 26 U.S.C. 1222.

(b) "Nonqualified taxable income" means Montana taxable income that is not considered net long-term capital gains."

Section 2. Section 15-30-2103, MCA, is amended to read:

"**15-30-2103. Rate of tax -- net long-term capital gains -- definitions.** (1) Except as provided in subsections (2) and (3), there must be levied, collected, and paid for each tax year on the Montana taxable income of each taxpayer subject to this chapter a tax on the brackets of taxable income as follows:

(a) for every married individual who files a joint return and for every surviving spouse:

(i) on the first ~~$41,000~~ *$130,000* of Montana taxable income or any part of that income, 4.7%;

(ii) on any Montana taxable income in excess of ~~$41,000~~ *$130,000* or any part of that income, ~~5.9%~~, *5.4%;;*

(b) for every head of household:

(i) on the first ~~$30,750~~ *$97,500* of Montana taxable income or any part of that income, 4.7%;

(ii) on any Montana taxable income in excess of ~~$30,750~~ *$97,500* or any part of that income, ~~5.9%~~, *5.4%*;

(c) for every individual other than a surviving spouse or head of household who is not a married individual:

(i) on the first ~~$20,500~~ *$65,000* of Montana taxable income or any part of that income, 4.7%;

(ii) on any Montana taxable income in excess of ~~$20,500~~ *$65,000* or any part of that income, ~~5.9%~~, *5.4%*;

(d) for every married individual who does not make a joint return and for every estate or trust not exempt from taxation under the Internal Revenue Code:

(i) on the first ~~$20,500~~ *$65,000* of Montana taxable income or any part of that income, 4.7%;

(ii) on any Montana taxable income in excess of ~~$20,500~~ *$65,000* or any part of that income, ~~5.9%~~, *5.4%*.

(2) Except as provided in 15-30-3704 ~~and subsection (3) of this section~~ *and subsection (3) of this section*, that portion of a taxpayer's Montana taxable income that consists of net long-term capital gains after accounting for amounts included in taxable income that is not net long-term capital gains is subject to a tax on the brackets of net long-term capital gains as follows:

(a) for every married individual who files a joint return and for every surviving spouse:

(i) on the first ~~$41,000~~ *$130,000* less nonqualified taxable income of net long-term capital gains, 3.0%;

(ii) on net long-term capital gains that exceed ~~$41,000~~ *$130,000* less nonqualified taxable income or any part of that income, 4.1%, except that if the total nonqualified taxable income is ~~$41,000~~ *$130,000* or greater, all of the net long-term capital gains are taxed at 4.1%;

(b) for every head of household:

(i) on the first ~~$30,750~~ *$97,500* less nonqualified taxable income of net long-term capital gains, 3.0%;

(ii) on any net long-term capital gains that exceed ~~$30,750~~ *$97,500* less nonqualified taxable income or any part of that income, 4.1%, except that if the total nonqualified taxable income is ~~$30,750~~ *$97,500* or greater, all of the net long-term capital gains are taxed at 4.1%;

(c) for every individual other than a surviving spouse or head of household who is not a married individual:

(i) on the first ~~$20,500~~ *$65,000* less nonqualified taxable income of net long-term capital gains, 3.0%;

(ii) on any net long-term capital gains that exceed ~~$20,500~~ *$65,000* less nonqualified taxable income or any part of that income, 4.1%, except that if the total nonqualified taxable income is ~~$20,500~~ *$65,000* or greater, all of the net long-term capital gains are taxed at 4.1%;

(d) for every married individual who does not make a joint return and for every estate or trust that is not exempt from taxation under the Internal Revenue Code:

(i) on the first ~~$20,500~~ *$65,000* less nonqualified taxable income of net long-term capital gains, 3.0%;

(ii) on any net long-term capital gains that exceed ~~$20,500~~ *$65,000* less nonqualified taxable income or any part of that income, 4.1%, except that if the total nonqualified taxable income is ~~$20,500~~ *$65,000* or greater, all of the net long-term capital gains are taxed at 4.1%.

(3) By November 1 of each year, the department shall multiply the bracket amounts contained in subsections (1) and (2) by the *modified* inflation factor for the following tax year and round the cumulative brackets to the nearest $100. The resulting adjusted brackets are effective for that following tax year and must be used as the basis for imposition of the tax in subsections (1) and (2).

~~(4)~~*(4)* For the purposes of this section, the following definitions apply:

(a) "Modified inflation factor" has the same meaning as "inflation factor" as defined in 15-30-2101, except that the consumer price index for June 2026 is substituted for the consumer price index for June 2023.

~~(a)~~*(b)* "Net long-term capital gains" means net long-term capital gains as that term is defined in section 1222 of the Internal Revenue Code, 26 U.S.C. 1222.

~~(b)~~*(c)* "Nonqualified taxable income" means Montana taxable income that is not considered net long-term capital gains."

Section 3. Section 15-30-2318, MCA, is amended to read:

"**15-30-2318. Earned income tax credit.** (1) Except as provided in subsection (3), a resident taxpayer is allowed as a credit against the tax imposed by 15-30-2103 a percentage of the credit allowed for the federal earned income credit for which the individual taxpayer is eligible for the tax year under section 32 of the Internal Revenue Code, 26 U.S.C. 32.

(2) The amount of the credit allowed under subsection (1) is ~~10%~~ *20%* of the amount of the credit determined for the tax year under section 32 of the Internal Revenue Code, 26 U.S.C. 32.

(3) The credit is not allowed on earned income that is treated as a dividend received by a member of an agricultural organization provided for in section 501(d) of the Internal Revenue Code, 26 U.S.C. 501(d). For the purpose of this subsection, the amount of the state tax credit provided for in subsection (2) is reduced by the reduction percentage.

(4) The taxpayer is entitled to a refund equal to the amount by which the credit exceeds the taxpayer's tax liability or, if the taxpayer has no tax liability under this chapter, a refund equal to the amount of the credit. The credit may be claimed by filing a Montana income tax return.

(5) For the purpose of this section, the following definitions apply:

(a) "Earned income" means earned income, as defined in section 32 of the Internal Revenue Code, 26 U.S.C. 32, that was used to determine the amount of the federal earned income tax credit under subsection (2).

(b) "Reduction percentage" means a percentage that is calculated by dividing the earned income that is disallowed under subsection (3) by the total amount of earned income."

Section 4. Transition. The modified inflation factor provided for in 15-30-2103(3) does not apply until tax year 2028.

Section 5. Effective dates. (1) Except as provided in subsections (2) and (3), [this act] is effective on October 1, 2025.

(2) [Sections 1 and 3] are effective January 1, 2026.

(3) [Section 2] is effective January 1, 2027.

Section 6. Applicability. (1) [Sections 1 and 3] apply to the income tax year beginning January 1, 2026.

(2) [Section 2] applies to income tax years beginning after December 31, 2026.

Section 7. Termination. [Section 1] terminates December 31, 2026.

Approved April 28, 2025

CHAPTER NO. 228

[HB 102]

AN ACT GENERALLY REVISING LAWS RELATED TO THE OFFICE OF STATE PUBLIC DEFENDER; CREATING A DISTINCTION BETWEEN CONFLICT AND NONCONFLICT REGIONAL OFFICES; REVISING THE DUTIES OF THE DIRECTOR, THE CONFLICT DEFENDER DIVISION ADMINISTRATOR, THE APPELLATE DEFENDER DIVISION ADMINISTRATOR, AND THE CENTRAL SERVICES DIVISION ADMINISTRATOR; REMOVING THE REQUIREMENT FOR THE DIRECTOR TO ESTABLISH STANDARDS SPECIFIC TO CHILD ABUSE AND NEGLECT MATTERS; REVISING THE RESPONSIBILITIES OF THE CENTRAL

SERVICES DIVISION TO INCLUDE REQUIREMENTS FOR MANAGING CONTRACTED SERVICES AND AGENCY TRAINING EFFORTS; PROVIDING REPORTING REQUIREMENTS; REVISING TITLES OF DIVISION PERSONNEL TO INCLUDE REGIONAL PUBLIC DEFENDERS AND MANAGING PUBLIC DEFENDERS; AMENDING SECTIONS 18-4-132, 47-1-104, 47-1-105, 47-1-119, 47-1-125, 47-1-201, 47-1-202, 47-1-215, 47-1-301, AND 47-1-401, MCA; AND REPEALING SECTIONS 47-1-120 AND 47-1-121, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Conflict defender division administrator -- duties. (1) In addition to the duties provided for in 47-1-401 and subject to approval by the director, the conflict defender division administrator shall:

(a) develop and implement a regional strategic plan for the delivery of conflict defender services;

(b) ensure that administrative management procedures for conflict regional offices are consistent with the policies and procedures provided by the central services division established in 47-1-119;

(c) establish procedures for managing caseloads and assigning cases in a manner that ensures that conflict public defenders are assigned cases according to experience, training, and manageable caseloads and taking into account case complexity, the severity of charges and potential punishments, and the legal skills required to provide effective assistance of counsel;

(d) establish policies and procedures for assigning counsel in capital cases that are consistent with standards issued by the Montana supreme court for counsel for indigent persons in capital cases;

(e) work with the central services division to establish and supervise a training and performance evaluation program for attorneys and nonattorney staff members and contractors;

(f) work with the central services division to establish procedures to handle complaints about conflict public defender performance; and

(g) perform all other duties assigned by the director pursuant to this chapter.

(2) The conflict defender division administrator may not maintain a client caseload.

Section 2. Conflict regional offices -- conflict regional public defenders. (1) The conflict defender division administrator may, with the approval of the director, hire, assign, and supervise a conflict regional public defender to manage and supervise each conflict regional office in the conflict defender division established pursuant to 47-1-104(2).

(2) Subject to approval by the conflict defender division administrator, each conflict regional public defender shall:

(a) manage and supervise all conflict public defender services provided within the conflict regional public defender's assigned region;

(b) establish protocols so that when a court orders the assignment of counsel, the assignment is made promptly to an appropriate public defender and so that a conflict public defender is immediately available when necessary;

(c) ensure that conflict public defender assignments within the region comply with the provisions of 47-1-202(1)(c);

(d) hire and supervise the work of conflict regional office personnel as authorized by the conflict defender division administrator;

(e) coordinate with the central services division to contract for necessary conflict public defender services;

(f) implement the standards and procedures established by the director and the conflict defender division administrator for the region;

(g) perform all other duties as assigned by the conflict defender division administrator.

Section 3. Appellate defender division administrator -- duties. (1) In addition to the duties provided in 47-1-301 and subject to approval by the director, the appellate defender division administrator shall:

(a) develop and implement a strategic plan for the delivery of appellate public defender services;

(b) ensure that administrative management procedures for appellate offices are consistent with the policies and procedures provided by the central services division established in 47-1-119;

(c) establish procedures for managing caseloads and assigning cases in a manner that ensures that appellate public defenders are assigned cases according to experience, training, and manageable caseloads and taking into account case complexity, the severity of charges and potential punishments, and the legal skills required to provide effective assistance of counsel;

(d) establish policies and procedures for assigning counsel in capital cases that are consistent with standards issued by the Montana supreme court for counsel for indigent persons in capital cases;

(e) work with the central services division to establish and supervise a training and performance evaluation program for attorneys and nonattorney staff members and contractors;

(f) work with the central services division to establish procedures to handle complaints about appellate public defender performance; and

(g) perform all other duties assigned by the director pursuant to this chapter.

(2) The appellate defender division administrator may maintain a minimum client caseload as determined by the director.

Section 4. Section 18-4-132, MCA, is amended to read:

"**18-4-132. Application.** (1) This chapter applies to:

(a) the expenditure of public funds irrespective of their source, including federal assistance money, by this state acting through a governmental body under any contract, except a contract exempted from this chapter by this section or by another statute;

(b) a procurement of supplies or services that is at no cost to the state and from which income may be derived by the vendor and to a procurement of supplies or services from which income or a more advantageous business position may be derived by the state; and

(c) the disposal of state supplies.

(2) This chapter or rules adopted pursuant to this chapter do not prevent any governmental body or political subdivision from complying with the terms and conditions of any grant, gift, bequest, or cooperative agreement.

(3) This chapter does not apply to:

(a) either grants or contracts between the state and its political subdivisions or other governments, except as provided in part 4;

(b) construction contracts;

(c) expenditures of or the authorized sale or disposal of equipment purchased with money raised by student activity fees designated for use by the student associations of the university system;

(d) contracts entered into by the Montana state lottery that have an aggregate value of less than $250,000;

(e) contracts entered into by the state compensation insurance fund to procure insurance-related services;

(f) contracts with:

(i) a registered professional engineer, surveyor, real estate appraiser, or registered architect;

(ii) a physician, dentist, pharmacist, or other medical, dental, or health care provider;

(iii) an expert witness hired for use in litigation, a hearings officer hired in rulemaking and contested case proceedings under the Montana Administrative Procedure Act, or an attorney as specified by executive order of the governor;

(iv) consulting actuaries;

(v) a private person contracted by the student associations of the university system with money raised from student activity fees designated for use by those student associations;

(vi) a private person contracted by the Montana state lottery;

(vii) a private investigator licensed by any jurisdiction;

(viii) a claims adjuster; or

(ix) a court reporter appointed as an independent contractor under 3-5-601;

(g) electrical energy purchase contracts by the university of Montana or Montana state university, as defined in 20-25-201. Any savings accrued by the university of Montana or Montana state university in the purchase or acquisition of energy must be retained by the board of regents of higher education for university allocation and expenditure.

(h) the purchase or commission of art for a museum or public display;

(i) contracting under ~~47-1-121~~ *47-1-119* of the Montana Public Defender Act;

(j) contracting under Title 90, chapter 4, part 11; or

(k) contracting under Title 90, chapter 14, part 1.

(4) (a) Food products produced in Montana may be procured by either standard procurement procedures or by direct purchase. Montana-produced food products may be procured by direct purchase when:

(i) the quality of available Montana-produced food products is substantially equivalent to the quality of similar food products produced outside the state;

(ii) a vendor is able to supply Montana-produced food products in sufficient quantity; and

(iii) a bid for Montana-produced food products either does not exceed or reasonably exceeds the lowest bid or price quoted for similar food products produced outside the state. A bid reasonably exceeds the lowest bid or price quoted when, in the discretion of the person charged by law with the duty to purchase food products for a governmental body, the higher bid is reasonable and capable of being paid out of that governmental body's existing budget without any further supplemental or additional appropriation.

(b) The department shall adopt any rules necessary to administer the optional procurement exception established in this subsection (4).

(5) As used in this section, the following definitions apply:

(a) "Food" means articles normally used by humans as food or drink, including articles used for components of articles normally used by humans as food or drink.

(b) "Produced" means planted, cultivated, grown, harvested, raised, collected, processed, or manufactured."

Section 5. Section 47-1-104, MCA, is amended to read:

"**47-1-104. (Temporary) Statewide system -- structure and scope of services -- assignment of counsel at public expense.** (1) There is a statewide public defender system, which is required to deliver public defender services in all courts in this state. The system is supervised by the director.

(2) The director shall approve a strategic plan for service delivery and divide the state into not more than 11 public defender regions. The director may establish a regional office to provide public defender services in each region, as provided in 47-1-215, establish a contracted services program to provide services in the region, or utilize other service delivery methods as appropriate and consistent with the purposes described in 47-1-102.

(3) When a court orders the assignment of a public defender, the appropriate office shall immediately assign a public defender qualified to provide the required services. The director shall establish protocols to ensure that the offices make appropriate assignments in a timely manner.

(4) A court may order assignment of a public defender under this chapter in the following cases:

(a) in cases in which a person is entitled to assistance of counsel at public expense because of financial inability to retain private counsel, subject to a determination of indigence pursuant to 47-1-111, as follows:

(i) for a person charged with a felony or charged with a misdemeanor for which there is a possibility of incarceration, as provided in 46-8-101;

(ii) for a party in a proceeding to determine parentage under the Uniform Parentage Act, as provided in 40-6-119;

(iii) for an applicant for sentence review pursuant to Title 46, chapter 18, part 9;

(iv) for a petitioner in a proceeding for postconviction relief, as provided in 46-21-201;

(v) for a petitioner in a habeas corpus proceeding pursuant to Title 46, chapter 22;

(vi) for a parent or guardian in a proceeding for the involuntary commitment of a developmentally disabled person to a residential facility, as provided in 53-20-112; and

(vii) for a witness in a criminal grand jury proceeding, as provided in 46-4-304;

(b) in cases in which a person is entitled by law to the assistance of counsel at public expense regardless of the person's financial ability to retain private counsel, as follows:

(i) as provided for in 41-3-425;

(ii) for a youth in a proceeding under the Montana Youth Court Act alleging a youth is delinquent or in need of intervention, as provided in 41-5-1413, and in a prosecution under the Extended Jurisdiction Prosecution Act, as provided in 41-5-1607;

(iii) for a juvenile entitled to assigned counsel in a proceeding under the Interstate Compact on Juveniles, as provided in 41-6-101;

(iv) for a minor who petitions for a waiver of parental consent requirements under the Parental Consent for Abortion Act of 2013, as provided in 50-20-509;

(v) for a respondent in a proceeding for the involuntary commitment of a developmentally disabled person to a residential facility, as provided in 53-20-112;

(vi) for a minor voluntarily committed to a mental health facility, as provided in 53-21-112;

(vii) for a person who is the subject of a petition for the appointment of a guardian or conservator in a proceeding under the provisions of the Uniform Probate Code in Title 72, chapter 5;

(viii) for a ward when the ward's guardian has filed a petition to require medical treatment for a mental disorder of the ward, as provided in 72-5-322;

(ix) for a parent, guardian, or other person with physical or legal custody of a child or youth in any removal, placement, or termination proceeding

pursuant to 41-3-422 and as required under the federal Indian Child Welfare Act and 41-3-1316, as provided in 41-3-425;

(x) for a respondent in a proceeding for involuntary commitment for a mental disorder, as provided in 53-21-116; and

(xi) for a respondent in a proceeding for the involuntary commitment of a person for alcoholism, as provided in 53-24-302; and

(c) for an eligible appellant in an appeal of a proceeding listed in this subsection (4).

(5) (a) Except as provided in subsection (5)(b), a public defender may not be assigned to act as a court-appointed special advocate or guardian ad litem in a proceeding under the Montana Youth Court Act, Title 41, chapter 5, or in an abuse and neglect proceeding under Title 41, chapter 3.

(b) A private attorney who is contracted with under the provisions of 47-1-121 to provide public defender services under this chapter may be appointed as a court-appointed special advocate or guardian ad litem in a proceeding described in subsection (5)(a) if the appointment is separate from the attorney's service for the statewide public defender system and does not result in a conflict of interest. (Terminates June 30, 2025--sec. 55, Ch. 716, L. 2023.)

47-1-104. (Effective July 1, 2025) Statewide system -- structure and scope of services -- assignment of counsel at public expense. (1) There is a statewide public defender system, which is required to deliver public defender services in all courts in this state. The system is supervised by the director. *The director must be an attorney licensed to practice law in the state.*

(2) The director shall approve a strategic plan for service delivery and ~~divide the state into~~ *establish* not more than 11 public defender regions. The director may establish a regional office to provide public defender services in each region~~,~~ as provided in 47-1-215~~,~~ *for nonconflict regions and as provided in [section 2] for conflict regions,* establish a contracted services program to provide services in the region, or utilize other service delivery methods as appropriate and consistent with the purposes described in 47-1-102.

(3) When a court orders the assignment of a public defender, the appropriate office shall immediately assign a public defender qualified to provide the required services. The director shall establish protocols to ensure that the offices make appropriate assignments in a timely manner.

(4) A court may order assignment of a public defender under this chapter in the following cases:

(a) in cases in which a person is entitled to assistance of counsel at public expense because of financial inability to retain private counsel, subject to a determination of indigence pursuant to 47-1-111, as follows:

(i) for a person charged with a felony or charged with a misdemeanor for which there is a possibility of incarceration, as provided in 46-8-101;

(ii) for a party in a proceeding to determine parentage under the Uniform Parentage Act, as provided in 40-6-119;

(iii) for a parent, guardian, or other person with physical or legal custody of a child or youth in any removal, placement, or termination proceeding pursuant 41-3-422 and as required under the federal Indian Child Welfare Act, as provided in 41-3-425;

(iv) for an applicant for sentence review pursuant to Title 46, chapter 18, part 9;

(v) for a petitioner in a proceeding for postconviction relief, as provided in 46-21-201;

(vi) for a petitioner in a habeas corpus proceeding pursuant to Title 46, chapter 22;

(vii) for a parent or guardian in a proceeding for the involuntary commitment of a developmentally disabled person to a residential facility, as provided in 53-20-112;

(viii) for a respondent in a proceeding for involuntary commitment for a mental disorder, as provided in 53-21-116;

(ix) for a respondent in a proceeding for the involuntary commitment of a person for alcoholism, as provided in 53-24-302; and

(x) for a witness in a criminal grand jury proceeding, as provided in 46-4-304.

(b) in cases in which a person is entitled by law to the assistance of counsel at public expense regardless of the person's financial ability to retain private counsel, as follows:

(i) as provided for in 41-3-425;

(ii) for a youth in a proceeding under the Montana Youth Court Act alleging a youth is delinquent or in need of intervention, as provided in 41-5-1413, and in a prosecution under the Extended Jurisdiction Prosecution Act, as provided in 41-5-1607;

(iii) for a juvenile entitled to assigned counsel in a proceeding under the Interstate Compact on Juveniles, as provided in 41-6-101;

(iv) for a minor who petitions for a waiver of parental consent requirements under the Parental Consent for Abortion Act of 2013, as provided in 50-20-509;

(v) for a respondent in a proceeding for the involuntary commitment of a developmentally disabled person to a residential facility, as provided in 53-20-112;

(vi) for a minor voluntarily committed to a mental health facility, as provided in 53-21-112;

(vii) for a person who is the subject of a petition for the appointment of a guardian or conservator in a proceeding under the provisions of the Uniform Probate Code in Title 72, chapter 5;

(viii) for a ward when the ward's guardian has filed a petition to require medical treatment for a mental disorder of the ward, as provided in 72-5-322; and

(c) for an eligible appellant in an appeal of a proceeding listed in this subsection (4).

(5) (a) Except as provided in subsection (5)(b), a public defender may not be assigned to act as a court-appointed special advocate or guardian ad litem in a proceeding under the Montana Youth Court Act, Title 41, chapter 5, or in an abuse and neglect proceeding under Title 41, chapter 3.

(b) A private attorney who is contracted with under the provisions of ~~47-1-121~~ *this title* to provide public defender services under this chapter may be appointed as a court-appointed special advocate or guardian ad litem in a proceeding described in subsection (5)(a) if the appointment is separate from the attorney's service for the statewide public defender system and does not result in a conflict of interest."

Section 6. Section 47-1-105, MCA, is amended to read:

"**47-1-105. Director -- duties -- report -- standards for public defender services qualification and training.** (1) The director shall supervise and direct the system. In addition to other duties assigned pursuant to this chapter, the director shall:

(a) establish the qualifications, duties, and compensation of the public defender division administrator provided for in 47-1-201, hire the public defender division administrator after considering qualified applicants,

and regularly evaluate the performance of the public defender division administrator;

(b) establish the qualifications, duties, and compensation of the appellate defender division administrator provided for in 47-1-301, hire the appellate defender division administrator after considering qualified applicants, and regularly evaluate the performance of the appellate defender division administrator;

(c) establish the qualifications, duties, and compensation of the conflict defender division administrator provided for in 47-1-401, hire the conflict defender division administrator after considering qualified applicants, and regularly evaluate the performance of the conflict defender division administrator; and

(d) establish the qualifications, duties, and compensation of the central services division administrator provided for in 47-1-119, hire the central services division administrator after considering qualified applicants, and regularly evaluate the performance of the central services division administrator.

(2) The director shall establish statewide standards for the qualification and training of attorneys providing public defender services to ensure that services are provided by competent counsel and in a manner that is fair and consistent throughout the state. The standards must take into consideration:

(a) the level of education and experience that is necessary to competently handle certain cases and case types, such as criminal, juvenile, abuse and neglect, civil commitment, capital, and other case types, including cases on appeal, in order to provide effective assistance of counsel;

(b) acceptable caseloads and workload monitoring protocols to ensure that public defender workloads are manageable;

(c) access to and use of necessary professional services, such as paralegal, investigator, and other services that may be required to support a public defender in a case;

(d) continuing education requirements for public defenders and support staff;

(e) *nationally recognized* practice standards *for each type of case in which the office of state public defender provides representation*;

(f) performance criteria; and

(g) performance evaluation protocols.

~~(3) In addition to the director's duties to establish statewide standards under subsection (2), the director shall establish specific standards for the qualification and training of attorneys providing public defender services to a child in an abuse and neglect case. The standards must take into consideration:~~

~~(a) additional training required to competently represent a child, which may include:~~

~~(i) methods for communicating with a child in a developmentally appropriate manner;~~

~~(ii) methods for presenting child testimony and alternatives to direct testimony;~~

~~(iii) early childhood, child, and adolescent development;~~

~~(iv) the dynamics of abuse and neglect, child sexual abuse, trauma, grief, and attachment;~~

~~(v) mental health issues, substance abuse issues, and the impact of domestic violence; and~~

~~(vi) available services and community resources for families;~~

~~(b) continuing education requirements specific to representing a child; and~~

~~(c) practice standards for representing a child, which may include:~~

~~(i) ensuring the child understands the role of counsel in the proceedings, including counsel's duty to maintain confidentiality, provide loyal and independent legal representation, and to advocate for the child's position;~~

~~(ii) taking all steps reasonably necessary to represent the child in the proceedings, including but not limited to interviewing the child, advising the child of the child's rights, educating the child about the legal process, informing the child of the child's options, counseling the child's decisionmaking, preparing a case theory and strategy, preparing for and participating in negotiations and hearings, and drafting and submitting motions, memoranda, and orders;~~

~~(iii) reviewing and accepting or declining, after appropriate consultation with the child, any proposed stipulation for an order affecting the child and explaining to the court the basis for any opposition to the proposed stipulation;~~

~~(iv) taking action counsel considers appropriate to expedite the proceedings and the resolution of contested issues;~~

~~(v) maintaining frequent and intentional contact with the child, at a minimum, prior to and after each court hearing, after every placement change, and no less than one in-person meeting every 3 months;~~

~~(vi) in accordance with the rules of professional conduct, communicating and collaborating with all other parties to the case;~~

~~(vii) investigating and taking necessary legal action regarding the child's medical, mental health, social, and educational needs and overall well-being;~~

~~(viii) visiting the home, residence, or any prospective residence of the child, including each time the placement is changed;~~

~~(ix) seeking court orders or taking any other necessary steps in accordance with the child's direction to ensure that the child's health, mental health, educational, developmental, cultural, and placement needs are met; and~~

~~(x) ensuring opportunities for the meaningful participation of the child in court hearings and other case events, including advising the child of the right to participate in the proceedings. If the child does not want to participate or wishes to waive the right to attend after being informed of the right and the nature of the proceedings, counsel for the child shall inform the court of the child's decision not to attend.~~

~~(4)~~*(3)* The director shall also:

(a) review and approve the strategic plan and budget ~~based on proposals submitted by the public defender division administrator, the central services division administrator, the appellate defender division administrator, and the conflict defender division administrator~~;

(b) review and approve any proposal to create permanent staff positions;

(c) establish policies and procedures for handling excess caseloads;

(d) establish policies and procedures to ensure that detailed expenditure and caseload data is collected, recorded, and reported to support strategic planning efforts for the system; ~~and~~

(e) examine workloads and workload standards for all levels within the office of state public defender and include its findings in the biennial report provided for in 47-1-125*;*

(f) establish standards for a statewide contracted services program to be managed by the central services division provided for in 47-1-119 to ensure that contracting for public defender services is done fairly and consistently statewide and within each public defender region;

(g) establish reasonable compensation for attorneys contracted to provide public defender and appellate defender services and for others contracted to provide nonattorney services; and

(h) ensure that there are procedures for conducting assessments of each contract attorney on a biennial basis.

~~(5)~~*(4)* The office of state public defender shall adopt administrative rules pursuant to the Montana Administrative Procedure Act to implement the provisions of this chapter."

Section 7. Section 47-1-119, MCA, is amended to read:

"**47-1-119. Central services division -- responsibilities -- *contracted services -- training* -- department of administration to support.** (1) There is a central services division in the office of state public defender. The division must be located in Butte, Montana. The central services division is supervised by an administrator hired *and supervised* by the director.

(2) The central services division *administrator* shall:

(a) manage eligibility determination under 47-1-111;

(b) manage *agency* contracting ~~under 47-1-121~~ *pursuant to subsection (3)*;

(c) manage *agency* training ~~pursuant to 47-1-120~~*, practice standards, and litigation support pursuant to subsection (4)*;

(d) provide administrative support to the director; and

(e) actively seek gifts, grants, and donations that may be available through the federal government or other sources to help fund the system.

(3) (a) The central services division administrator shall hire an individual who is responsible for the administrative oversight and assignment of contracted public defenders and service providers for the office of state public defender.

(b) All contracting pursuant to this section is exempt from the Montana Procurement Act as provided in 18-4-132.

(c) Contracts may not be awarded based solely on the lowest bid or provide compensation to contractors based solely on a fixed fee paid irrespective of the number of cases assigned.

(d) (i) Contracting pursuant to this section must be done through a competitive process that must, at a minimum, involve the following considerations:

(A) attorney qualifications necessary to provide effective assistance of counsel that meets relevant and applicable standards for any case assigned;

(B) attorney caseload, including the amount of private practice engaged in outside the contract;

(C) reporting protocols and caseload monitoring processes;

(D) a process for assessment of performance;

(E) a process for conflict resolution;

(F) continuing education requirements;

(G) cost of services provided; and

(H) compliance with agency and state policies, procedures, protocols, and standards.

(ii) Contract public defenders may not take any money, compensation, or benefit from, or on behalf of, any client assigned to them under this section.

(4) (a) The central services division administrator shall hire an individual who is responsible for the administrative oversight and management of agency training, practice standards, and litigation support services.

(b) The individual shall coordinate training efforts for all agency employees, contract public defenders, and contracted service providers. The training efforts must include:

(i) current aspects of criminal and civil law involving public defense;

(ii) current and emerging technologies affecting public defense; and

(iii) best practices and standard operating procedures needed for the effective and efficient performance of duties.

(c) The individual shall manage the development and dissemination of practice standards and standard operating procedures affecting the delivery of public defender services.

(d) The individual shall ensure articles, opinions, motions, briefs, and other relevant sources of information regarding important aspects of public defense are collected, compiled, and made available to agency employees, contract public defenders, and contracted service providers.

(e) The individual shall develop and manage a litigation support services program to provide co-counsel and other direct litigation assistance as necessary to public defenders.

~~(3)~~*(5)* The central services division shall establish for the office of state public defender:

(a) standard procedures to handle complaints about public defender performance and work with the public defender division administrator, appellate defender division administrator, and conflict defender division administrator to ensure that public defenders, office personnel, and clients are aware of avenues available for bringing a complaint and that office procedures do not conflict with the disciplinary jurisdiction of the supreme court and the rules promulgated pursuant to Article VII, section 2, of the Montana constitution and the applicable provisions of Title 37, chapter 61;

(b) processes and procedures to ensure that employees and contract personnel use information technology and caseload management systems so that detailed expenditure and caseload data is accurately collected, recorded, and reported; and

(c) budgeting, reporting, and related administrative requirements for the office of state public defender, including procedures for the approval, payment, recording, reporting, and management of all defense expenses.

~~(4)~~*(6)* The following expenses are payable by the central services division if the expense is incurred at the request of a public defender and is authorized by the director:

(a) witness and interpreter fees and expenses as provided for in Title 26, chapter 2, part 5, and 46-15-116; and

(b) transcript fees, as provided in 3-5-604.

~~(5)~~*(7)* If the costs to be paid pursuant to subsection ~~(4)~~ *(6)* are not paid directly, reimbursement must be made within 30 days of the receipt of a claim.

~~(6)~~*(8)* The department of administration established in 2-15-1001 shall provide central services support to the extent feasible and efficient."

Section 8. Section 47-1-125, MCA, is amended to read:

"**47-1-125. Reports.** (1) (a) The office shall submit a biennial report to the governor, the supreme court, and the law and justice interim committee in accordance with 5-11-210.

(b) The biennial report must cover the preceding biennium and include:

(i) all policies or procedures in effect for the operation and administration of the statewide public defender system;

(ii) all standards of practice established or being considered by the director for the public defender division, the appellate defender division, and the conflict defender division;

(iii) the number of ~~deputy~~ *regional* public defenders and the region supervised by each;

(iv) the number of public defenders employed or contracted with in the system, identified by region, if appropriate, and office;

(v) the number of nonattorney staff employed or contracted with in the system, identified by region, if appropriate, and office;

(vi) the number of new cases in which counsel was assigned to represent a party, identified by region, court, ~~and~~ case type*, and case weight*;

(vii) the total number of persons represented by the public defender division, the appellate defender division, and the conflict defender division identified by region, if appropriate, court, and case type;

(viii) the annual caseload and workload of each public defender identified by region, if appropriate, court, and case type;

(ix) the training programs conducted by the office and the number of attorney and nonattorney staff who attended each program;

(x) the continuing education courses *conducted through the agency* on criminal defense or criminal procedure attended by each public defender employed or contracted with in the system; and

(xi) detailed expenditure data by court and case type.

(2) The office shall report data for each fiscal year by September 30 of the subsequent fiscal year representing the caseload for the entire statewide public defender system to the governor, the legislature in accordance with 5-11-210, and legislative fiscal analyst. The report must include unduplicated count data for all cases for which representation is paid for by the office, the number of new cases opened, the number of cases closed, the number of cases that remain open and active, the number of cases that remain open but are inactive, and the average number of days between case opening and closure for each case type. The report must be provided in an electronic format.

(3) (a) For the fiscal year beginning July 1, 2011, and every 5 years thereafter, the legislative fiscal analyst shall compare the percentage change in general fund revenue for the previous 5 years to the percentage change in the amounts allocated to local governments under the provisions of 15-1-121, as amended in 2005, and the actual costs for public defender services for the same time period.

(b) The results of the comparison must be reported to the governor, legislative finance committee, law and justice interim committee, and supreme court the following fiscal year and in accordance with 5-11-210."

Section 9. Section 47-1-201, MCA, is amended to read:

"**47-1-201. Public defender division -- personnel.** (1) There is a public defender division. The head of the division is the public defender division administrator, who is hired and supervised by the director.

(2) The public defender division administrator must be an attorney licensed to practice law in the state.

(3) The public defender division administrator shall hire ~~or contract for~~ and supervise other personnel necessary to perform the function of the public defender division, including but not limited to:

(a) ~~deputy~~ *regional* public defenders, as provided in 47-1-215;

(b) ~~assistant~~ *managing* public defenders; ~~and~~

(c) public defenders; and

~~(c)~~*(d)* other necessary administrative and professional support staff for the public defender division."

Section 10. Section 47-1-202, MCA, is amended to read:

"**47-1-202. Public defender division administrator -- duties.** (1) In addition to the duties provided in 47-1-201 and subject to approval by the director, the public defender division administrator shall:

(a) develop and implement a regional strategic plan for the delivery of public defender services;

(b) ensure that administrative management procedures for regional offices are consistent with the policies and procedures provided by the central services division established in 47-1-119;

(c) establish procedures for managing caseloads and assigning cases in a manner that ensures that public defenders are assigned cases according to

experience, training, and manageable caseloads and taking into account case complexity, the severity of charges and potential punishments, and the legal skills required to provide effective assistance of counsel;

(d) establish policies and procedures for assigning counsel in capital cases that are consistent with standards issued by the Montana supreme court for counsel for indigent persons in capital cases;

(e) work with the ~~training coordinator provided for in 47-1-120~~ *central services division* to establish and supervise a training and performance evaluation program for attorneys and nonattorney staff members and contractors;

(f) work with the central services division to establish procedures to handle complaints about public defender performance; and

(g) perform all other duties assigned by the director pursuant to this chapter.

(2) The public defender division administrator may not maintain a client caseload."

Section 11. Section 47-1-215, MCA, is amended to read:

"**47-1-215. Regional offices -- ~~deputy~~ *regional* public defenders -- ~~office space~~.** (1) The public defender division administrator shall hire, assign, and supervise a ~~deputy~~ *regional* public defender to manage and supervise each regional office established pursuant to 47-1-104(2).

(2) Subject to approval by the public defender division administrator, each ~~deputy~~ *regional* public defender shall:

(a) manage and supervise all public defender services provided within the ~~deputy~~ *regional* public defender's assigned region;

(b) establish protocols so that when a court orders the assignment of counsel, the assignment is made promptly to an appropriate public defender and so that a public defender is immediately available when necessary;

(c) ensure that public defender assignments within the region comply with the provisions of 47-1-202(1)(c);

(d) hire and supervise the work of regional office personnel as authorized by the public defender division administrator;

(e) coordinate with the ~~contract manager provided for in 47-1-121~~ *central services division* to contract for *necessary public defender* services ~~as authorized by the public defender division administrator according to the strategic plan approved by the director~~;

~~(f) keep a record of public defender and associated services and expenses in the region and submit the records to the public defender division administrator as requested;~~

~~(g)~~*(f)* implement the standards and procedures established by the director and the public defender division administrator for the region; *and*

~~(h) maintain a minimum client caseload as determined by the public defender division administrator; and~~

~~(i)~~*(g)* perform all other duties as assigned by the public defender division administrator.

~~(3) Expenses for office space required for regional offices, including rent, utilities, and maintenance, must be paid by the office of state public defender and may not be considered a county or city obligation.~~"

Section 12. Section 47-1-301, MCA, is amended to read:

"**47-1-301. Appellate defender division -- ~~division administrator~~ *personnel*.** (1) There is an appellate defender division. The appellate defender division must be located in Helena, Montana. *The head of the division is the appellate defender division administrator, who is hired and supervised by the director.*

(2) ~~(a) The director shall hire and supervise the appellate defender division administrator to manage and supervise the appellate defender division.~~

~~(b)~~ The appellate defender division administrator must be an attorney licensed to practice law in the state.

(3) Subject to approval by the director, the appellate defender division administrator shall *hire and supervise other personnel necessary to perform the function of the appellate defender division, including but not limited to*:

(a) managing appellate public defenders;

(b) appellate public defenders; and

(c) other necessary administrative and professional support staff for the appellate defender division.

~~(a) direct, manage, and supervise all public defender services provided by the appellate defender division;~~

~~(b) ensure that when a court orders the appellate defender division to assign an appellate lawyer or when a defendant or petitioner is otherwise entitled to an appellate public defender, the assignment is made promptly to a qualified and appropriate appellate defender who is immediately available to the defendant or petitioner when necessary;~~

~~(c) ensure that appellate defender assignments comply with the provisions of 47-1-202(1)(c) and standards for counsel for indigent persons in capital cases issued by the Montana supreme court;~~

~~(d) hire and supervise the work of appellate defender division personnel;~~

~~(e) contract for services as provided in 47-1-121 and as authorized by the director according to the strategic plan for the delivery of public defender services;~~

~~(f) keep a record of appellate defender services and expenses of the appellate defender division and submit records and reports to the central services division provided for in 47-1-119;~~

~~(g) implement standards and procedures established by the director for the appellate defender division;~~

~~(h) maintain a minimum client caseload as determined by the director;~~

~~(i) confer with the director on budgetary issues and submit budgetary requests and information for the reports required by law or by the governor; and~~

~~(j) perform all other duties assigned to the appellate defender division administrator by the director.~~"

Section 13. Section 47-1-401, MCA, is amended to read:

"**47-1-401. Conflicts of interest -- conflict defender division administrator.** (1) ~~The director shall establish~~ *There is* a conflict defender division to provide for the representation of ~~indigent defendants~~ *agency clients* in circumstances in which, because of conflict of interest, *lack of caseload capacity, or to further the client's best interest,* the public defender division or the appellate defender division is unable to provide representation to a defendant. *The head of the division is the conflict defender division administrator, who is hired and supervised by the director.*

(2) ~~The position of conflict defender division administrator is hired and supervised by the director under 47-1-105. The conflict defender division administrator reports directly to the director and not to the public defender division administrator.~~ *The conflict defender division administrator must be an attorney licensed to practice law in the state.*

(3) ~~The conflict defender division administrator may not handle cases.~~ *The conflict defender division administrator shall hire and supervise other personnel necessary to perform the function of the conflict defender division, including but not limited to:*

(a) regional conflict public defenders;

(b) conflict managing public defenders;

(c) conflict public defenders; and

(d) other necessary administrative and professional support staff for the public defender division.

~~(4) All attorneys handling conflict of interest cases shall report to the conflict defender division administrator.~~"

Section 14. Repealer. The following sections of the Montana Code Annotated are repealed:

47-1-120. Training program -- coordinator.

47-1-121. Contracted services.

Section 15. Codification instruction. (1) [Sections 1 and 2] are intended to be codified as an integral part of Title 47, chapter 1, part 4, and the provisions of Title 47, chapter 1, part 4, apply to [sections 1 and 2].

(2) [Section 3] is intended to be codified as an integral part of Title 47, chapter 1, part 3, and the provisions of Title 47, chapter 1, part 3, apply to [section 3].

Approved May 1, 2025

CHAPTER NO. 229

[HB 114]

AN ACT GENERALLY REVISING LAWS RELATING TO CONSUMER PROTECTION; PROHIBITING UNFAIR OR DECEPTIVE ACTS OR PRACTICES RELATING TO UNFAIR FINANCIAL PLANNING PRACTICES; PROVIDING EXCEPTIONS; REVISING UNFAIR CLAIM SETTLEMENT PRACTICES; REVISING INSURANCE LAWS RELATING TO FINANCIAL INSTITUTIONS; REVISING LAWS RELATED TO INSURANCE PRODUCERS AND FINANCIAL PLANNERS, INVESTMENT PLANNERS, FINANCIAL COUNSELORS, OR ANY OTHER SPECIALIST ENGAGED IN THE BUSINESS OF PROVIDING FINANCIAL PLANNING OR SIMILAR ADVICE; PROVIDING DEFINITIONS; AMENDING SECTIONS 33-18-201, 33-18-202, 33-18-203, 33-18-501, AND 33-18-1001, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Unfair financial planning practices -- producers. (1) (a) An insurance producer may not directly or indirectly hold the insurance producer out to the public as a financial planner, investment adviser, consultant, financial counselor, or any other type of specialist engaged in the business of providing financial planning or advice relating to investments, insurance, real estate, tax matters, or trust and estate matters if the insurance producer:

(i) is engaged in only the sale of insurance policies; and

(ii) does not hold a formal and recognized financial planning or consultant certification or designation.

(b) Subsection (1)(a) does not preclude an insurance producer who holds a formal and recognized financial planning or consultant certification or designation from displaying the certification or designation when only selling insurance. An insurance producer who is selling insurance as provided in this subsection (1)(b) may not charge an additional fee for services that are customarily associated with the solicitation, negotiation, or servicing of policies.

(2) (a) An insurance producer may not engage in the business of financial planning without disclosing to the client prior to the execution of the agreement that:

(i) the insurance producer is also an insurance producer; and

(ii) a commission for the sale of an insurance product will be received by the insurance producer in addition to the fee for financial planning.

(b) The disclosure requirement under subsection (2)(a) may be met by including the required information in any disclosure required by federal or state securities law.

(3) (a) An insurance producer may not charge fees for financial planning unless the fees are based on a written agreement signed by the party to be charged before the services under the agreement are performed.

(b) A copy of the agreement must be provided to the party to be charged at the time the agreement is signed by the party. The written agreement must specifically state:

(i) the services for which the fee is to be charged;

(ii) the amount of the fee to be charged or how it will be determined or calculated; and

(iii) that the client is under no obligation to purchase an insurance product through the insurance producer or consultant.

(c) The insurance producer shall retain a copy of the agreement for not less than 3 years after completion of services, and a copy must be available to the commissioner on request.

Section 2. Health insurance lead generators -- scope and definitions. For the purposes of 33-18-101, 33-18-102, 33-18-201 through 33-18-206, 33-18-208, 33-18-209, 33-18-302, 33-18-303, and Title 33, chapter 18, part 10, the following terms apply:

(1) "Health insurance lead generator" means a person who utilizes a lead-generating device to:

(a) publicize the availability of what is or what purports to be a health insurance product or service that the person is not licensed to sell directly to a customer;

(b) identify a customer who may want to learn more about a health insurance product; or

(c) sell or transmit customer information to insurers or producers for follow-up contact and sales activity.

(2) "Lead-generating device" means any communication directed to the public that, regardless of form, content, or stated purpose, is intended to result in the compilation or qualification of a list containing names and other personal information to be used to solicit residents of the state for the purchase of what is or what purports to be a health insurance product or service.

(3) "Person" includes a health insurance lead generator.

Section 3. Section 33-18-201, MCA, is amended to read:

"**33-18-201. Unfair claim settlement practices prohibited.** A person may not, with such frequency as to indicate a general business practice, do any of the following:

(1) misrepresent pertinent facts or insurance policy provisions relating to coverages at issue;

(2) fail to acknowledge and act reasonably promptly upon communications with respect to claims arising under insurance policies;

(3) fail to adopt and implement reasonable standards for the prompt investigation of claims arising under insurance policies;

(4) refuse to pay claims without conducting a reasonable investigation based ~~upon~~ *on* all available information;

(5) fail to affirm or deny coverage of claims within a reasonable time after proof of loss statements have been completed;

(6) neglect to attempt in good faith to effectuate prompt, fair, and equitable settlements of claims in which liability has become reasonably clear;

(7) compel insureds to institute litigation to recover amounts due under an insurance policy by offering substantially less than the amounts ultimately recovered in actions brought by the insureds;

(8) attempt to settle a claim for less than the amount to which a reasonable person would have believed the person was entitled by reference to written or printed advertising material accompanying or made part of an application;

(9) attempt to settle claims on the basis of an application that was altered without notice to or knowledge or consent of the insured;

(10) make claims payments to insureds or beneficiaries not accompanied by statements setting forth the coverage under which the payments are being made;

(11) make known to insureds or claimants a policy of appealing from arbitration awards in favor of insureds or claimants for the purpose of compelling them to accept settlements or compromises less than the amount awarded in arbitration;

(12) delay the investigation or payment of claims by requiring an insured, claimant, or physician of either to submit a preliminary claim report and then requiring the subsequent submission of formal proof of loss forms, both of which submissions contain substantially the same information;

(13) fail to promptly settle claims, if liability has become reasonably clear, under one portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy coverage; ~~or~~

(14) fail to promptly provide a reasonable explanation of the basis in the insurance policy in relation to the facts or applicable law for denial of a claim or for the offer of a compromise settlement*; or*

(15) upon request of a policyholder or a producer designated by a policyholder, fail to provide a list of claims charged against a policy as required by 33-15-1126."

Section 4. Section 33-18-202, MCA, is amended to read:

"**33-18-202. Misrepresentation and false advertising of policies prohibited.** ~~No person shall~~ *A person may not* make, issue, circulate, or cause to be made, issued, or circulated any estimate, illustration, circular, sales presentation, omission, comparison, or statement ~~which~~ *that*:

(1) misrepresents the benefits, advantages, conditions, or terms of any insurance policy;

(2) misrepresents the dividends or share of the surplus to be received on any insurance policy;

(3) makes any false or misleading statement as to the dividends or share of surplus previously paid on any insurance policy;

(4) is misleading or is a misrepresentation as to the financial condition of any person or as to the legal reserve system upon which any life insurer operates;

(5) uses any name or title of any insurance policy or class of insurance policies misrepresenting the true nature ~~thereof~~ *of the policy or class of policies*;

(6) is a misrepresentation, including any intentional misquote of the premium rate, for the purpose of inducing or tending to induce the purchase, lapse, forfeiture, exchange, conversion, or surrender of any insurance policy;

~~(6)~~*(7)* is a misrepresentation for the purpose of effecting a pledge or assignment of or effecting a loan against any insurance policy; ~~or~~

~~(7)~~*(8)* misrepresents any insurance policy as being shares of stock*; or*

(9) offers or provides insurance as an inducement to the purchase of another policy or otherwise uses certain terms including but not limited to "free" or "no cost"."

Section 5. Section 33-18-203, MCA, is amended to read:

"**33-18-203. False or deceptive advertising prohibited.** A person may not make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, *electronic mail, internet advertisement or posting,* or other publication or in the form of a notice, circular, pamphlet, letter, *electronic posting of any kind,* or poster, or over any radio or television station*, or through the internet or other electronic means,* or in any other way, an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to the business of insurance or with respect to any person in the conduct of the person's insurance business –that is untrue, deceptive, or misleading."

Section 6. Section 33-18-501, MCA, is amended to read:

"**33-18-501. Lenders -- ~~restrictions on solicitation, rejection, charges, and disclosure -- favoring insurance producer prohibited~~ *favored agent of insurer -- coercion of debtors.*** (1) *(a)* ~~No person may~~ *A person may not* require*,* as a condition precedent to the lending of money or extension of credit or any renewal ~~thereof~~ *of these,* ~~that~~ the person to whom ~~such~~ *the* money or credit is extended or whose obligation a creditor is to acquire or finance *to* negotiate any contract of insurance or renewal ~~thereof~~ *of these* through a particular insurer or group of insurers or *a particular* insurance producer or group of insurance producers.

(b) Subsection (1)(a) does not prohibit a person, a depository institution, or an affiliate of a depository institution from informing a customer or prospective customer:

(i) that insurance is required to obtain a loan or credit;

(ii) that loan or credit approval is contingent on the procurement by the customer of acceptable insurance; or

(iii) that insurance is available from the person, depository institution, or affiliate of a depository institution.

(2) ~~No person~~ *A person* who lends money or extends credit may *not do any of the following*:

(a) solicit insurance for the protection of real property, after a person indicates interest in securing a first-mortgage credit extension, until ~~such~~ *the* person has received a commitment in writing from the lender as to a loan or credit extension;

(b) unreasonably reject a contract of insurance furnished by the borrower for the protection of the property securing the credit or lien. A rejection is not unreasonable if it is based on reasonable standards, uniformly applied, relating to the extent of coverage required and the financial soundness and the services of an insurer. ~~Such~~ *These* standards may not discriminate against any particular type of insurer or call for *the* rejection of an insurance contract because the contract contains coverage in addition to that required by the credit transaction.

(c) require that any *consumer,* borrower, mortgagor, purchaser, insurer, or insurance producer pay a separate charge in connection with the handling of any contract of insurance required as security for a loan on real estate or pay a separate charge to substitute the insurance policy of one insurer for that of another. This subsection (2)(c) does not include the interest ~~which~~ *that* may be charged on premium loans or premium advancements in accordance with the terms of the loan or credit document *and does not apply to charges that would*

be required when the person, depository institution, or affiliate of a depository institution is the licensed producer providing the insurance.

(d) use or disclose information relative to a contract of insurance ~~which~~ *that* is required by the credit transaction:

(i) for the purpose of replacing ~~such~~ *the* insurance; and

(ii) without the prior written consent of the borrower;

(e) use an advertisement or other insurance promotional material that would cause a reasonable person to mistakenly believe that the federal government or the state is responsible for the insurance sales activity of, or stands behind the credit of, the person, depository institution, or affiliate of a depository institution;

~~(e)~~*(f)* require any procedures or conditions of licensed insurance producers or insurers not customarily required of those insurance producers or insurers affiliated or in any way connected with the person who lends money or extends credit.

(3) Each person ~~who~~ *that* lends money or extends credit and ~~who~~ *that* solicits insurance *primarily for personal family or household purposes or* on real and personal property subject to subsection (2) ~~of this section~~ must explain to the borrower in writing that the insurance related to such credit extension may be purchased from an insurer or insurance producer of the borrower's choice, subject only to the lender's right to reject a given insurer or insurance producer as provided in subsection (2)(b). ~~Compliance with disclosures as to insurance required by truth-in-lending laws or comparable state laws shall be compliance with this subsection.~~ *The disclosure must inform the customer that the customer's choice of insurer or insurance producer will not affect the credit decision or credit terms in any way, except that the depository institution may impose reasonable requirements concerning the creditworthiness of the insurer and the scope of coverage chosen as provided in subsection (2)(b).*

~~(4) The commissioner may examine and investigate those insurance-related activities of any person which may be in violation of this section. Any affected person may submit to the commissioner a complaint or material pertinent to the enforcement of this section.~~

(4) The commissioner may examine and investigate insurance activities of any person, depository institution, affiliate of a depository institution, or insurer that the commissioner believes may be in violation of this section. The person, depository institution, affiliate of a depository institution, or insurer shall make its insurance books and records available to the commissioner and the commissioner's staff for inspection upon reasonable notice. An affected person may submit to the commissioner a complaint or material pertinent to the enforcement of this section.

~~(5)~~*(5)* Nothing ~~herein~~ *in this section* prevents a person*, a depository institution, or an affiliate of a depository institution* who lends money or extends credit from placing insurance on real or personal property in the event the mortgagor, borrower, or purchaser has failed to provide required insurance in accordance with the terms of the loan or credit document.

~~(6)~~*(6)* Nothing ~~contained~~ in this section applies to credit life or credit accident and health insurance.

(7) For the purposes of this section, the terms "depository institution" and "affiliate of a depository institution" have the same meaning as provided in 32-1-109."

Section 7. Section 33-18-1001, MCA, is amended to read:

"**33-18-1001. Complaint handling -- *marketing -- performance* -- record.** (1) An insurer shall maintain a complete record of all ~~the~~ complaints ~~which~~ it has received since the date of its last examination under 33-1-401. This

record ~~shall~~ *must* indicate the total number of complaints, their classification by line of insurance, the nature of each complaint, the disposition of the complaints, and the time it took to process each complaint.

(2) An insurer or a health insurance lead generator shall maintain its books, records, documents, and other business records in an order that ensures data regarding complaints, claims, rating, underwriting, and marketing materials are accessible and retrievable for examination by the commissioner. The data must be maintained for at least 5 years.

~~(2)~~*(3)* For *the* purposes of this section, "complaint" means any written communication primarily expressing a grievance."

Section 8. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 33, chapter 18, and the provisions of Title 33, chapter 18, apply to [sections 1 and 2].

Section 9. Effective date. [This act] is effective January 1, 2026.

Approved May 1, 2025

CHAPTER NO. 230

[HB 122]

AN ACT REVISING RIGHT-OF-WAY LAWS FOR UTILITY LINES AND FACILITIES TO INCLUDE NATURAL GAS PIPELINES; AND AMENDING SECTION 69-4-101, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 69-4-101, MCA, is amended to read:

"**69-4-101. Use of public right-of-way for utility lines and facilities.** A telegraph, telephone, electric light, *natural gas,* or electric power line corporation or public body or any other person owning or operating ~~such~~ *a telegraph, telephone, electric light, or electric power line or natural gas pipeline* is ~~hereby~~ authorized to install its respective plants and appliances necessary for service and to supply and distribute electricity *and natural gas* for lighting, heating, power, and other purposes and ~~to that end,~~ to construct ~~such~~ *the* telegraph, telephone, electric light, or electric power lines *or natural gas pipelines*, from point to point, along and ~~upon~~ *on* any of the public roads, streets, and highways in the state~~,~~ by the erection of necessary fixtures, including posts, piers, and abutments necessary for the wires *and pipelines*. The ~~same shall~~ *telegraph, telephone, electric light, or electric power lines or natural gas pipelines must* be ~~so~~ constructed *so* as not to ~~incommode~~ *inconvenience* or endanger the public in the use of ~~said~~ *the* roads, streets, or highways, and nothing ~~herein shall be so~~ *in this section may be* construed ~~as~~ to restrict the powers of city or town councils."

Approved May 1, 2025

CHAPTER NO. 231

[HB 123]

AN ACT REVISING ALCOHOL LAWS RELATING TO SELF-SERVICE OF BEER AND WINE; PROVIDING RESTRICTIONS FOR SELF-POUR OF BEER AND WINE; ALLOWING SELF-POUR FOR ELECTRONIC DEVICES OR OTHER TECHNOLOGY-BASED DEVICES; PROVIDING EXEMPTIONS TO THE TERM SELF SERVICE; PROVIDING FOR ALCOHOL LICENSEE SUPERVISION OF SELF-POUR; PROVIDING THAT METHODS OF

PAYMENT FOR BEER AND WINE USING TECHNOLOGY-BASED DEVICES DO NOT CONSTITUTE GIFT CERTIFICATES; AND AMENDING SECTIONS 16-3-311 AND 30-14-102, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 16-3-311, MCA, is amended to read:

"**16-3-311. Suitable premises for licensed retail establishments.** (1) (a) A licensed retailer may use a part of a building as premises licensed for on-premises consumption of alcoholic beverages, except as otherwise allowed in 16-3-302(4). The licensed retailer must demonstrate that it has adequate control over all alcoholic beverages to prevent self-service, service to underage persons, and service to persons who are actually or apparently intoxicated. Except as provided in subsections (8), (10), and (11), the premises must be separated from the rest of the building by permanent walls but may have inside access to the rest of the building at all times even if the businesses or uses in the other part of the building are unrelated to the operation of the premises in which the alcoholic beverages are served. A licensee may lease the kitchen or another specified area to allow another business entity to operate a business within its premises without permanent floor-to-ceiling walls and without a concession agreement if the other business does not take orders for, serve, or deliver alcohol and has a separate point of sale system. If the premises are located in a portion of a building, the licensed retailer must be able to demonstrate that there are adequate safeguards in place to prevent public access to alcoholic beverages after hours, either by the presence of a lockable door or other security features such as rolling gates, locking cabinets, tap locks, or key card access. *For the purposes of this subsection (1)(a), the term "self-service" does not include when customers self-pour beer and wine after an on-premises licensee, including the licensee's employees, concessionaire, or concessionaire's employees, has provided alcohol, including:*

(i) large containers of beer or wine, such as pitchers, buckets, or bottles, but not including liquor; or

(ii) if approved by the department, electronic devices or other technology-based devices with predetermined limits used to measure and supply customers with a predetermined volume of beer or wine if the electronic device or other technology-based device is monitored by the licensee, the licensee's employees, the concessionaire, or the concessionaire's employees to ensure that people are not overserved.

(b) A resort retail all-beverages licensee, a retail all-beverages licensee, or an on-premises consumption beer and wine licensee within the boundaries of a resort area may also utilize up to three alternate alcoholic beverage storage facilities as allowed in 16-4-213(8).

(2) A licensee may alter the approved floorplan of the premises. The alteration must be consistent with the requirements of subsection (1)(a). A licensee shall provide a copy of the revised floorplan with the proposed alteration for the licensed premises to the department within 7 days of beginning the alteration. Department approval may not be unreasonably withheld. If the completed alteration differs from the approved alteration due to modifications required for approval by other state or local government entities, such as compliance with fire or building codes, the department must be notified, but preapproval is not required for these modifications. An alteration for the purposes of this section is any structural change in a premises that does not increase the square footage of the existing approved premises. An alteration that increases the square footage of the existing approved premises must be approved by the department prior to beginning the alteration. A cosmetic change, such as

painting, carpeting, or other interior decorating, is not considered an alteration under this section. If the alteration does not require the licensee to obtain a building permit, then the inspections by local government agencies may not be required for department approval.

(3) The interior portion of the licensed premises must be a continuous area that is under the control of the licensee and not interrupted by any area in which the licensee does not have adequate control and includes multiple floors on the premises and common areas necessarily shared by multiple building tenants in order to allow patrons to access other tenant businesses or private dwellings in the same building, including but not limited to entryways, hallways, stairwells, and elevators.

(4) The premises may include one or more exterior patios or decks as long as sufficient physical safeguards are in place to ensure proper service and consumption of alcoholic beverages. An additional perimeter barrier may not be required if an existing boundary naturally defines the outdoor service area and impedes foot traffic.

(5) Premises suitability does not include a minimum number of seats.

(6) A licensed retailer may apply to the department to have a noncontiguous storage area that is under the control of the licensed retailer approved for onsite alcoholic beverage storage separate from its service area as long as the licensed retailer demonstrates that there are adequate safeguards in place to prevent public access to alcoholic beverages after hours, either by the presence of a lockable door or other security features such as rolling gates, locking cabinets, tap locks, or key card access. The application fee is $100. On department approval, an on-premises consumption retailer's keg storage and beer lines running into the licensed premises may be in a noncontiguous storage area provided that the licensee is able to maintain control and adequate safeguards are in place to prevent public access.

(7) A licensed retailer operating within a hotel or similar short-term lodging facility may apply to the department to allow for the delivery of alcoholic beverages to guests of accommodation units, and the prestocking of alcoholic beverages in accommodation units is allowed for the accommodation units within the property as long as the purchaser's age is verified and there are adequate safeguards in place to prevent underage service. The application fee is $100.

(8) An on-premises consumption retailer may be located adjacent to a brewery or winery if the licensees are able to maintain control of their respective premises through adequate physical separation.

(9) (a) For the purposes of this section, "adequate physical separation" means:

(i) the premises of the retailer and the premises of the brewery or winery are secured after business hours from each other and from any other business, including but not limited to prohibiting a customer from accessing a brewery sample room and purchasing alcohol after the brewery tasting room hours of operation as specified in 16-3-213(2)(b); and

(ii) the separation may include doors, gates, or windows that may be left open during business hours.

(b) The term does not require permanent floor-to-ceiling walls.

(10) For colocated premises authorized in 16-4-401(9), there are no physical separation requirements applied by this code but the licensee shall follow any federal requirements.

(11) A public airport all-beverages licensee, licensed pursuant to 16-4-208, or the Yellowstone airport beer and wine licensee, licensed pursuant to 16-4-304, may use the airport terminal or part of the terminal as premises

licensed for the on-premises consumption of alcoholic beverages without regard to other businesses or uses in the terminal. The airport licensee must be able to demonstrate that there are adequate safeguards in place to prevent public access to alcoholic beverages after hours, either by the presence of a lockable door or other security features such as rolling gates, locking cabinets, tap locks, or key card access."

Section 2. Section 30-14-102, MCA, is amended to read:

"**30-14-102. Definitions.** As used in this part, the following definitions apply:

(1) "Consumer" means a person who purchases or leases goods, services, real property, or information primarily for personal, family, or household purposes.

(2) "Department" means the department of justice created in 2-15-2001.

(3) "Documentary material" means the original or a copy of any book, record, report, memorandum, paper, communication, tabulation, map, chart, photograph, mechanical transcription, or other tangible document or recording.

(4) "Examination" of documentary material includes the inspection, study, or copying of documentary material and the taking of testimony under oath or acknowledgment in respect to any documentary material or copy of documentary material.

(5) (a) "Gift certificate" means a record, including a gift card or stored value card, that is provided for paid consideration and that indicates a promise by the issuer or seller of the record that goods or services will be provided to the possessor of the record for the value that is shown on the record or contained within the record by means of a microprocessor chip, magnetic stripe, bar code, or other electronic information storage device. The consideration provided for the gift certificate must be made in advance. The value of the gift certificate is reduced by the amount spent with each use. A gift certificate is considered trust property of the possessor if the issuer or seller of the gift certificate declares bankruptcy after issuing or selling the gift certificate. The value represented by the gift certificate belongs to the possessor, to the extent provided by law, and not to the issuer or seller.

(b) The term does not include:

(i) prepaid telecommunications and technology cards, including but not limited to prepaid telephone calling cards, prepaid technical support cards, and prepaid internet disks that have been distributed to or purchased by a consumer;

(ii) a coupon provided to a consumer pursuant to any award, loyalty, or promotion program without any money or consideration being given in exchange for the card; ~~or~~

(iii) a gift certificate usable with multiple sellers of goods or services*; or*

(iv) any method of payment relating to electronic devices or other technology-based devices for service of beer and wine under 16-3-311.

(6) "Person" means natural persons, corporations, trusts, partnerships, incorporated or unincorporated associations, and any other legal entity.

(7) "Possessor" means a natural person who has physical control over a gift certificate.

(8) (a) "Trade" and "commerce" mean the advertising, offering for sale, sale, or distribution of any services, any property, tangible or intangible, real, personal, or mixed, or any other article, commodity, or thing of value, wherever located, and includes any trade or commerce directly or indirectly affecting the people of this state.

(b) The terms include direct patient care agreements established pursuant to 50-4-107."

Approved May 1, 2025

CHAPTER NO. 232

[HB 126]

AN ACT REVISING LAWS RELATED TO AGENCY ADMINISTRATIVE RULEMAKING; REVISING LAWS RELATED TO LEGISLATIVE OVERSIGHT OF ADMINISTRATIVE RULES BY PRIMARY SPONSORS; ENCOURAGING ACTIVE PUBLIC INVOLVEMENT DURING RULE HEARINGS; AMENDING SECTIONS 2-3-301, 2-4-302, AND 2-4-305, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-3-301, MCA, is amended to read:

"**2-3-301. Agency to accept public comment electronically -- dissemination of electronic mail address and documents required -- fees prohibited.** (1) An agency that accepts public comment pursuant to a statute, administrative rule, or policy, including an agency adopting rules pursuant to the Montana Administrative Procedure Act or an agency to which 2-3-111 applies, shall provide for the receipt of public comment by the agency by use of an electronic mail system.

(2) As part of the agency action required by subsection (1), an agency shall disseminate by appropriate media its electronic mail address to which public comment may be made, including dissemination in:

(a) rulemaking notices published pursuant to the Montana Administrative Procedure Act;

(b) the telephone directory of state agencies published by the department of administration;

(c) any notice of agency existence, purpose, and operations published on the internet; or

(d) any combination of the methods of dissemination provided in subsections (2)(a) through (2)(c).

(3) An agency shall, at the request of another agency or person and subject to 2-6-1003, disseminate the electronic documents to that agency or person by electronic mail in place of surface mail. Notification of the availability of an electronic notice of proposed rulemaking may be sent to an interested person as provided in 2-4-302(2)~~(a)(ii)~~*(b)(ii)*. An agency may not charge a fee for providing documents by electronic mail in accordance with this subsection.

(4) An agency that receives electronic mail pursuant to subsection (1) shall retain the electronic mail as either an electronic or a paper copy to the same extent that other comments are retained.

(5) As used in this section, "agency" means a department, division, bureau, office, board, commission, authority, or other agency of the executive branch of state government."

Section 2. Section 2-4-302, MCA, is amended to read:

"**2-4-302. Notice, hearing, and submission of views.** (1) (a) Prior to the adoption, amendment, or repeal of any rule, the agency shall give written notice of its proposed action. The proposal notice must include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, the reasonable necessity for the proposed action, and the time when, place where, and manner in which interested persons may present their views on the proposed action. The reasonable necessity must be written in plain, easily understood language.

(b) The agency shall state in the proposal notice the date on which and the manner in which contact was made with the primary sponsor as required

in subsection (2)(e). If the notification to the primary sponsor was given by mail, the date stated in the proposal notice must be the date on which the notification was mailed by the agency. If the *agency fails to comply with the primary sponsor notification and sponsor publication provisions of subsection (8)(b) or the* proposal notice fails to state the date on which and the manner in which the primary sponsor was contacted, the filing of the proposal notice under subsection (2)(a) is ineffective for the purposes of this part and for the purposes of the law that the agency cites in the proposal notice as the authority for the proposed action.

(c) If the agency proposes to adopt, increase, or decrease a monetary amount that a person shall pay or will receive, such as a fee, cost, or benefit, the notice must include an estimate, if known, of:

(i) the cumulative amount for all persons of the proposed increase, decrease, or new amount; and

(ii) the number of persons affected.

(2) (a) The proposal notice must be filed with the secretary of state for publication in the register, as provided in 2-4-312. When the agency files the proposal notice with the secretary of state to prepare it for publication in the register, the agency shall concurrently send an electronic copy of the proposal notice to the appropriate administrative rule review committee. If the secretary of state requires formatting changes to the proposal notice before it may be published, the agency is not required to send another copy of the proposal notice to the committee. The requirement to concurrently send a copy of the proposal notice to the committee is fulfilled if the agency sends an electronic copy to each member of the staff of the appropriate rule review committee on the same day that the notice is filed with the secretary of state.

(b) (i) Except as provided in subsection (2)(b)(ii), within 3 days of publication, a copy of the published proposal notice must be sent to interested persons who have made timely requests to the agency to be informed of its rulemaking proceedings, and to the office of any professional, trade, or industrial society or organization or member of those entities who has filed a request with the appropriate administrative rule review committee when the request has been forwarded to the agency as provided in subsection (2)(c).

(ii) In lieu of sending a copy of the published proposal notice to an interested person who has requested the notice, the agency may, with the consent of that person, send that person an electronic notification that the proposal notice is available on the agency's website and an electronic link to the part of the agency's website or a description of the means of locating that part of the agency's website where the notice is available.

(iii) Each agency shall create and maintain a list of interested persons and the subject or subjects in which each person on the list is interested. A person who submits a written comment or attends a hearing in regard to proposed agency action under this part must be informed of the list by the agency. An agency complies with this subsection (2)(b)(iii) if it includes in the proposal notice an advisement explaining how persons may be placed on the list of interested persons and if it complies with subsection (7).

(c) The appropriate administrative rule review committee shall forward a list of all organizations or persons who have submitted a request to be informed of agency actions to the agencies that the committee oversees that publish rulemaking notices in the register. The list must be amended by the agency upon request of any person requesting to be added to or deleted from the list.

(d) The proposal notice required by subsection (1) must be published at least 30 days in advance of the agency's proposed action. The agency shall

post the proposal notice on a state digital access system or other electronic communications system available to the public.

(e) (i) ~~When~~ *Before* an agency begins to work on the substantive content and the wording of a proposal notice for a rule that initially implements legislation, the agency shall contact, as provided in subsection (8), the legislator who was the primary sponsor of the legislation to:

(A) obtain the legislator's comments;

(B) inform the legislator of the known dates by which each step of the rulemaking process must be completed; and

(C) provide the legislator with information about the time periods during which the legislator may comment on the proposed rules *for publishing pursuant to subsection (8)(b)(ii)*, including the opportunity to provide comment to the appropriate administrative rule review committee.

(ii) If the legislation affected more than one program, the primary sponsor must be contacted pursuant to this subsection (2)(e) each time that a rule is being proposed to initially implement the legislation for a program.

(iii) Within 3 days after a proposal notice covered under subsection (2)(e)(i) has been published as required in subsection (2)(a), a copy of the published notice must be sent to the primary sponsor contacted under this subsection (2)(e).

(3) If a statute provides for a method of publication different from that provided in subsection (2), the affected agency shall comply with the statute in addition to the requirements contained in this section. However, the notice period may not be less than 30 days or more than 6 months.

(4) Prior to the adoption, amendment, or repeal of any rule, the agency shall afford interested persons at least 20 days' notice of a hearing and at least 28 days from the day of the original notice to submit data, views, or arguments, orally or in writing. If an amended or supplemental notice is filed, additional time may be allowed for oral or written submissions. In the case of substantive rules, the notice of proposed rulemaking must state that opportunity for oral hearing must be granted if requested by either 10% or 25, whichever is less, of the persons who will be directly affected by the proposed rule, by a governmental subdivision or agency, by the appropriate administrative rule review committee, or by an association having not less than 25 members who will be directly affected. *The notice of proposed rulemaking must include an opportunity for an interested person to request that the agency provide a presentation of the rule proposal and allow the public to submit oral or written questions or comments if a hearing is held. Prior to final adoption of a rule, an agency shall respond to the questions or comments raised during the hearing.* If the proposed rulemaking involves matters of significant interest to the public, the agency shall schedule an oral hearing.

(5) An agency may continue a hearing date for cause. In the discretion of the agency, contested case procedures need not be followed in hearings held pursuant to this section. If a hearing is otherwise required by statute, nothing in this section alters that requirement.

(6) If an agency fails to publish a notice of adoption within the time required by 2-4-305(7) and the agency again proposes the same rule for adoption, amendment, or repeal, the proposal must be considered a new proposal for purposes of compliance with this chapter.

(7) At the commencement of a hearing on the intended action, the person designated by the agency to preside at the hearing shall:

~~(a)~~*(a)* read aloud the "Notice of Function of Administrative Rule Review Committee" appearing in the register; ~~and~~ *and*

~~(b)~~*(b)* inform the persons at the hearing of the provisions of subsection (2)(b) and provide them an opportunity to place their names on the list.

(8) (a) For purposes of contacting primary sponsors under subsection (2)(e), a current or former legislator who wishes to receive notice shall keep the current or former legislator's name, address, e-mail address, and telephone number on file with the secretary of state. The secretary of state may also use legislator contact information provided by the legislative services division for the purposes of the register. The secretary of state shall update the contact information whenever the secretary of state receives corrected information from the legislator or the legislative services division. An agency proposing rules shall consult the register when providing sponsor contact.

(b) *(i)* An agency has complied with the primary bill sponsor contact requirements of this section when the agency has attempted to reach the primary bill sponsor at the legislator's address, e-mail address, and telephone number on file with the secretary of state pursuant to subsection (8)(a) *at least 10 days in advance of the publishing of the agency's proposal notice*. If the agency is able to contact the primary sponsor by using less than all of these three methods of contact, the other methods need not be used.

(ii) If the primary sponsor submits comments pursuant to subsection (2)(e) for an agency proposal and the agency disagrees with the primary sponsor, the agency shall publish the primary sponsor's unredacted comment in the proposal notice and provide a statement explaining why the sponsor's comments were not incorporated into the proposed rule.

(iii) The primary sponsor may expressly waive the sponsor notification requirement in subsection (8)(b)(i) or the sponsor publication requirement in subsection (8)(b)(ii).

(9) This section applies to the department of labor and industry adopting a rule relating to a commercial drug formulary as provided in 39-71-704. This section does not apply to the automatic updating of department of labor and industry rules relating to commercial drug formularies as provided in 39-71-704."

Section 3. Section 2-4-305, MCA, is amended to read:

"**2-4-305. Requisites for validity -- authority and statement of reasons.** (1) (a) The agency shall fully consider written and oral submissions respecting the proposed rule, including comments submitted by the primary sponsor of the legislation prior to the drafting of the substantive content and wording of a proposed rule that initially implements legislation.

(b) (i) Upon adoption of a rule, an agency shall issue a concise statement of the principal reasons for and against its adoption, incorporating in the statement the reasons for overruling the considerations urged against its adoption. If substantial differences exist between the rule as proposed and as adopted and the differences have not been described or set forth in the adopted rule as that rule is published in the register, the differences must be described in the statement of reasons for and against agency action. When written or oral submissions have not been received, an agency may omit the statement of reasons.

(ii) If an adopted rule that initially implements legislation does not reflect the comments submitted by the primary sponsor, the agency shall *publish the sponsor's unredacted comments in the adoption notice and* provide a statement explaining why the sponsor's comments were not incorporated into the adopted rule. *The sponsor may waive this requirement in writing.*

(2) Rules may not unnecessarily repeat statutory language. Whenever it is necessary to refer to statutory language in order to convey the meaning of a rule interpreting the language, the reference must clearly indicate the portion

of the language that is statutory and the portion that is an amplification of the language.

(3) Each proposed and adopted rule must include a citation to the specific grant of rulemaking authority pursuant to which the rule or any part of the rule is adopted. In addition, each proposed and adopted rule must include a citation to the specific section or sections in the Montana Code Annotated that the rule purports to implement. A substantive rule may not be proposed or adopted unless:

(a) a statute granting the agency authority to adopt rules clearly and specifically lists the subject matter of the rule as a subject upon which the agency shall or may adopt rules; or

(b) the rule implements and relates to a subject matter or an agency function that is clearly and specifically included in a statute to which the grant of rulemaking authority extends.

(4) Each rule that is proposed and adopted by an agency and that implements a policy of a governing board or commission must include a citation to and description of the policy implemented. Each agency rule implementing a policy and the policy itself must be based on legal authority and otherwise comply with the requisites for validity of rules established by this chapter.

(5) To be effective, each substantive rule adopted must be within the scope of authority conferred and in accordance with standards prescribed by other provisions of law.

(6) Whenever by the express or implied terms of any statute a state agency has authority to adopt rules to implement, interpret, make specific, or otherwise carry out the provisions of the statute, an adoption, amendment, or repeal of a rule is not valid or effective unless it is:

(a) consistent and not in conflict with the statute; and

(b) reasonably necessary to effectuate the purpose of the statute. A statute mandating that the agency adopt rules establishes the necessity for rules but does not, standing alone, constitute reasonable necessity for a rule. The agency shall also address the reasonableness component of the reasonable necessity requirement by, as indicated in 2-4-302(1) and subsection (1) of this section, stating the principal reasons and the rationale for its intended action and for the particular approach that it takes in complying with the mandate to adopt rules. Subject to the provisions of subsection (8), reasonable necessity must be clearly and thoroughly demonstrated for each adoption, amendment, or repeal of a rule in the agency's notice of proposed rulemaking and in the written and oral data, views, comments, or testimony submitted by the public or the agency and considered by the agency. A statement that merely explains what the rule provides is not a statement of the reasonable necessity for the rule.

(7) A rule is not valid unless notice of it is given and it is adopted in substantial compliance with 2-4-302, 2-4-303, or 2-4-306 and this section, unless notice of adoption of the rule is published within 6 months of the publishing of notice of the proposed rule, and unless the adoption is in compliance with the prohibitions of subsection (11). The measure of whether an agency has adopted a rule in substantial compliance with 2-4-302, 2-4-303, or 2-4-306 and this section is not whether the agency has provided notice of the proposed rule, standing alone, but rather must be based on an analysis of the agency's substantial compliance with 2-4-302, 2-4-303, or 2-4-306 and this section. If an amended or supplemental notice of either proposed or final rulemaking, or both, is published concerning the same rule, the 6-month limit must be determined with reference to the latest notice in all cases.

(8) (a) An agency may use an amended proposal notice or the adoption notice to correct deficiencies in citations of authority for rules and in citations of sections implemented by rules.

(b) An agency may use an amended proposal notice but, except for clerical corrections, may not use the adoption notice to correct deficiencies in a statement of reasonable necessity.

(c) If an agency uses an amended proposal notice to amend a statement of reasonable necessity for reasons other than for corrections in citations of authority, in citations of sections being implemented, or of a clerical nature, the agency shall allow additional time for oral or written comments from the same interested persons who were notified of the original proposal notice, including from a primary sponsor, if primary sponsor notification was required under 2-4-302, and from any other person who offered comments or appeared at a hearing already held on the proposed rule.

(9) Subject to 2-4-112, if a majority of the members of the appropriate administrative rule review committee notify the committee presiding officer that those members object to all or a portion of a notice of proposed rulemaking, the committee shall notify the agency in writing that the committee objects to all or a portion of the proposal notice and will address the objections at the next committee meeting. Following notice by the committee to the agency, all or a portion of the proposal notice that the committee objects to may not be adopted until publication of the last issue of the register that is published before expiration of the 6-month period during which the adoption notice must be published, unless prior to that time, the committee meets and does not make the same objection. A copy of the committee's notification to the agency must be included in the committee's records.

(10) This section applies to the department of labor and industry adopting a rule relating to a commercial drug formulary as provided in 39-71-704. This section does not apply to the automatic updating of department of labor and industry rules relating to commercial drug formularies as provided in 39-71-704.

(11) (a) In the year preceding the year in which the legislature meets in regular session, an agency may not adopt a rule between October 1 through the end of the year.

(b) This subsection (11) does not apply to:

(i) an emergency rule adopted under 2-4-303;

(ii) subject to subsection (11)(c)(i), a rule adopted for implementation of a program or policy if the unavailability of information, guidance, or notice precluded adoption of the rule before October 1; or

(iii) subject to subsection (11)(c)(ii), a rule adopted by providing the proposal notice and statement of reasoning with an opportunity to object to the appropriate administrative rule review committee.

(c) (i) A rule may only be exempted under subsection (11)(b)(ii) if the notice required under 2-4-302(1)(a) provides a statement explaining why the unavailability of information, guidance, or notice precluded adoption of the rule before October 1.

(ii) A rule may be exempted under subsection (11)(b)(iii) only if the agency provides a copy of the proposal notice and an explanation of the reason why the rule must be adopted before the end of the year by electronic mail to each member of the committee and the committee staff. If the committee does not object to the proposal within 10 business days after the electronic mail of the proposal and explanation has been sent to the committee, the agency may proceed with adoption of the proposed rule. If, during the 10-day review period, a majority of the members notify the committee presiding officer that those

members object to the proposed rulemaking, the presiding officer shall notify the agency by electronic mail that the committee objects. Following notice of the objection, a rule may not be adopted before the end of the year."

Section 4. Effective date. [This act] is effective on passage and approval.

Section 5. Applicability. [This act] applies to rule proposals published on or after [the effective date of this act].

Approved May 1, 2025

CHAPTER NO. 233

[HB 130]

AN ACT REVISING STATE FIRE POLICY REGARDING THE DUTIES OF A STATE OR LOCAL FIRE PROTECTION ENTITY; AUTHORIZING THE STATE TO BILL A FEDERAL FIRE PROTECTION AGENCY FOR STATE OR COUNTY COSTS INCURRED IN FIRE SUPPRESSION; AMENDING SECTION 76-13-115, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 76-13-115, MCA, is amended to read:

"**76-13-115. State fire policy.** The legislature finds and declares that:

(1) the safety of the public and of firefighters is paramount in all wildfire suppression activities;

(2) it is a priority to minimize property and resource loss resulting from wildfire and to minimize expense to Montana taxpayers, which is generally accomplished through an aggressive and rapid initial attack effort;

(3) interagency cooperation and coordination among local, state, and federal agencies are intended and encouraged, including cooperation when restricting activity or closing areas to access becomes necessary;

(4) fire prevention, hazard reduction, and loss mitigation are fundamental components of this policy;

(5) all property in Montana has wildfire protection from a recognized fire protection entity;

(6) the department has a duty to engage in wildfire suppression activities in the state regardless of land ownership if the department determines that the federal wildfire suppression activities within 5 miles of department or county wildland fire protection are not consistent with 76-13-104. The department may, at its sole discretion, bill the responsible recognized federal protection agency for costs incurred in suppression when appropriate.

~~(6)~~*(7)* all private property owners and federal and state public land management agencies have a responsibility to manage resources, mitigate fire hazards, and otherwise prevent fires on their property;

~~(7)~~*(8)* sound forest management activities to reduce fire risk, such as thinning, prescribed burning, and insect and disease treatments, improve the overall diversity and vigor of forested landscapes and improve the condition of related water, wildlife, recreation, and aesthetic resources;

~~(8)~~*(9)* development of fire protection guidelines for the wildland-urban interface is critical to improving public safety and for reducing risk and loss; and

~~(9)~~*(10)* catastrophic wildland fire in wildland-urban interface areas resulting from inadequate federal land management activities to reduce fire risk has the potential to jeopardize Montanans' inalienable right to a clean

and healthful environment guaranteed in Article II, section 3, of the Montana constitution."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved May 1, 2025

CHAPTER NO. 234

[HB 141]

AN ACT REVISING GAMBLING LAWS TO ALLOW NONPROFIT ORGANIZATIONS, COLLEGES, UNIVERSITIES, AND SCHOOL DISTRICTS TO USE CREDIT CARDS FOR RAFFLES; REVISING THE DESCRIPTION OF CREDIT GAMBLING AND THE DEFINITION OF INTERNET GAMBLING TO ALLOW CERTAIN ENTITIES TO USE CREDIT CARDS FOR RAFFLES; AMENDING SECTIONS 23-5-112, 23-5-157, AND 23-5-413, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 23-5-112, MCA, is amended to read:

"**23-5-112. Definitions.** Unless the context requires otherwise, the following definitions apply to parts 1 through 8 of this chapter:

(1) "Antique gambling device" means:

(a) an illegal gambling device manufactured prior to 1994; or

(b) any gambling device which, at any present time, is 30 years old or older.

(2) "Applicant" means a person who has applied for a license or permit issued by the department pursuant to parts 1 through 8 of this chapter.

(3) "Application" means a written request for a license or permit issued by the department. The department shall adopt rules describing the forms and information required for issuance of a license.

(4) "Associated gambling business" means a person who provides a service or product to a licensed gambling business and who:

(a) has a reason to possess or maintain control over gambling devices;

(b) has access to proprietary information or gambling tax information; or

(c) is a party in processing gambling transactions.

(5) "Authorized equipment" means, with respect to live keno or bingo, equipment that may be inspected by the department and that randomly selects the numbers.

(6) "Bingo" means a gambling activity played for prizes with a card bearing a printed design of 5 columns. The letters B-I-N-G-O must appear above the design, with each letter above one of the columns. More than 75 numbers may not be used. One or more numbers may appear in each square, except for the center square, which may be considered a free play. Numbers must be randomly drawn using authorized equipment until the game is won by the person or persons who first cover one or more previously designated arrangements of numbers on the bingo card.

(7) "Bingo caller" means a person 18 years of age or older who, using authorized equipment, announces the order of the numbers drawn in live bingo.

(8) "Bingo session" means all activities incidental to a series of bingo games conducted by a licensed operator beginning when the first bingo ball is drawn in the first game of bingo.

(9) "Card game table" or "table" means a live card game table:

(a) authorized by permit and made available to the public on the premises of a licensed gambling operator; or

(b) operated by a senior citizen center.

(10) "Card game tournament" means a gambling activity for which a permit has been issued involving participants who pay valuable consideration for the opportunity to compete against each other in a series of live card games conducted over a designated period of time.

(11) "Dealer" means a person with a dealer's license issued under part 3 of this chapter.

(12) "Department" means the department of justice.

(13) "Distributor" means a person who:

(a) purchases or obtains from a licensed manufacturer, distributor, route operator, or operator equipment of any kind for use in gambling activities; and

(b) sells the equipment to a licensed manufacturer, distributor, route operator, or operator.

(14) (a) "Gambling" or "gambling activity" means risking any money, credit, deposit, check, property, or other thing of value for a gain that is contingent in whole or in part upon lot, chance, or the operation of a gambling device or gambling enterprise.

(b) The term does not mean conducting or participating in:

(i) promotional games of chance;

(ii) amusement games regulated by Title 23, chapter 6, part 1;

(iii) social card games of bridge, cribbage, hearts, pinochle, pitch, rummy, solo, and whist played solely for prizes of minimal value, as defined by department rule; or

(iv) patron dice games as defined in this section.

(15) "Gambling device" means a mechanical, electromechanical, or electronic device, machine, slot machine, instrument, apparatus, contrivance, scheme, or system used or intended for use in any gambling activity.

(16) "Gambling enterprise" means an activity, scheme, or agreement or an attempted activity, scheme, or agreement to provide gambling or a gambling device to the public.

(17) (a) "Gift enterprise" means a gambling activity in which persons have qualified to obtain property to be awarded by purchasing or agreeing to purchase goods or services.

(b) The term does not mean:

(i) a cash or merchandise attendance prize or premium that county fair commissioners of agricultural fairs and rodeo associations may give away at public drawings at fairs and rodeos;

(ii) a promotional game of chance;

(iii) an amusement game regulated under Title 23, chapter 6;

(iv) a savings promotion raffle offered by a bank, trust company, mutual savings bank, savings and loan association, or credit union authorized to do business and accept deposits in this state under state or federal law and conducted in compliance with 23-5-413 that entitles individual members or depositors equal chances to win a designated prize by depositing a sum of money during a specified savings period; or

(v) an entry into a raffle as a result of paying membership dues or making a purchase of an item offered during a fundraising event held by a nonprofit organization.

(18) "Gross proceeds" means gross revenue received less prizes paid out.

(19) "Heads or tails" means a gambling activity in which players attempt to predict the outcome of a coin toss. Those who are incorrect are eliminated

and those who are correct continue to another round until one winning player remains and is awarded a prize.

(20) "House player" means a person participating in a card game who has a financial relationship with the operator, card room contractor, or dealer or who has received money or chips from the operator, card room contractor, or dealer to participate in a card game.

(21) "Illegal gambling device" means a gambling device not specifically authorized by statute or by the rules of the department. The term includes:

(a) a ticket or card, by whatever name known, containing concealed numbers or symbols that may match numbers or symbols designated in advance as prize winners, including a pull tab, punchboard, push card, tip board, pickle ticket, break-open, or jar game, except for one used under Title 23, chapter 7, under part 5 of this chapter, in a bingo game approved by the department under part 4 of this chapter, or in a promotional game of chance approved by the department; and

(b) an apparatus, implement, or device, by whatever name known, specifically designed to be used in conducting an illegal gambling enterprise, including a faro box, faro layout, roulette wheel, roulette table, craps table, or slot machine, except as provided in 23-5-153.

(22) "Illegal gambling enterprise" means a gambling enterprise that violates or is not specifically authorized by a statute or a rule of the department. The term includes:

(a) a card game, by whatever name known, involving any bank or fund from which a participant may win money or other consideration and that receives money or other consideration lost by the participant and includes the card games of blackjack, twenty-one, jacks or better, baccarat, or chemin de fer;

(b) dice games known as craps, hazard, or chuck-a-luck, but not including patron dice games or activities authorized by 23-5-160;

(c) credit gambling*, except as provided in 23-5-413*; and

(d) internet gambling.

(23) (a) "Internet gambling", by whatever name known, includes but is not limited to the conduct of any legal or illegal gambling enterprise through the use of communications technology that allows a person using money, paper checks, electronic checks, electronic transfers of money, credit cards, debit cards, or any other instrumentality to transmit to a computer information to assist in the placing of a bet or wager and corresponding information related to the display of the game, game outcomes, or other similar information.

(b) The term does not include*:*

(i) the operation of a simulcast facility or advance deposit wagering with a licensed advance deposit wagering hub operator allowed by Title 23, chapter 4, the state lottery provided for in Title 23, chapter 7, or a raffle authorized under Title 23, chapter 5, part 4, that is sponsored by a nonprofit organization and that is registered with the department. If all aspects of the gaming are conducted on Indian lands in conformity with federal statutes and with administrative regulations of the national Indian gaming commission, the term does not include class II gaming or class III gaming as defined by 25 U.S.C. 2703.

(ii) a raffle conducted under 23-5-413 by a nonprofit organization, college, university, or school district in which a participant pays for a raffle ticket with a credit card.

(24) "Keno" means a game of chance in which prizes are awarded using a card with 8 horizontal rows and 10 columns on which a player may pick up to 10 numbers. A keno caller, using authorized equipment, shall select at random at least 20 numbers out of numbers between 1 and 80, inclusive.

(25) "Keno caller" means a person 18 years of age or older who, using authorized equipment, announces the order of the numbers drawn in live keno.

(26) "License" means a license for an operator, dealer, card room contractor, manufacturer of devices not legal in Montana, sports tab game seller, manufacturer of electronic live bingo or keno equipment, other manufacturer, distributor, or route operator that is issued to a person by the department.

(27) "Licensee" means a person who has received a license from the department.

(28) "Live card game" or "card game" means a card game that is played in public between persons on the premises of a licensed gambling operator or in a senior citizen center.

(29) (a) "Lottery" means a scheme, by whatever name known, for the disposal or distribution of property among persons who have paid or promised to pay valuable consideration for the chance of obtaining the property or a portion of it or for a share or interest in the property upon an agreement, understanding, or expectation that it is to be distributed or disposed of by lot or chance.

(b) The term does not mean lotteries authorized under Title 23, chapter 7.

(30) "Manufacturer" means a person who:

(a) assembles from raw materials or subparts a completed piece of equipment or pieces of equipment of any kind to be used as a gambling device and who sells the equipment directly to a licensed distributor, route operator, or operator;

(b) possesses gambling devices or components of gambling devices for the purpose of testing them; or

(c) purchases gambling devices or components from licensed manufacturers, distributors, route operators, or operators as trade-ins or to refurbish, rebuild, or repair to sell to licensed manufacturers, distributors, route operators, or operators.

(31) "Nonprofit organization" means an organization established as a nonprofit to support charitable, religious, scholastic, educational, veterans', fraternal, beneficial, civic, senior citizens', or service organizations' charitable activities, scholarships or educational grants, or community service projects.

(32) "Operator" means a person who purchases, receives, or acquires, by lease or otherwise, and operates or controls for use in public a gambling device or gambling enterprise authorized under parts 1 through 8 of this chapter.

(33) "Ownership" or "ownership interest" means the ability to:

(a) share in the profits, losses, or liabilities of a gambling operation;

(b) enjoy the privileges reserved to licensees; or

(c) control a gambling operation.

(34) (a) "Patron dice games" means dice games involving wagers played by two or more patrons over 18 years of age on the premises of a licensed gambling operator that the licensee does not promote and in which the licensee does not participate or acquire a financial interest either as the bank of the game or as the source of credit for players.

(b) The term does not include:

(i) an illegal gambling enterprise as defined in this section; or

(ii) activities authorized by 23-5-160.

(35) "Permit" means approval from the department to make available for public play a gambling device or gambling enterprise approved by the department pursuant to parts 1 through 8 of this chapter.

(36) "Person" or "persons" means both natural and artificial persons and all partnerships, corporations, associations, clubs, fraternal orders, and societies, including religious and charitable organizations.

(37) "Premises" means the physical building or property within or upon which a licensed gambling activity occurs, as stated on an operator's license application and approved by the department.

(38) "Promotional game of chance" means a scheme, by whatever name known, for the disposal or distribution of property among persons who have not paid or are not expected to pay any valuable consideration or who have not purchased or are not expected to purchase any goods or services for a chance to obtain the property, a portion of it, or a share in it. The property is disposed of or distributed by simulating a gambling enterprise authorized by parts 1 through 8 of this chapter or by operating a device or enterprise approved by the department that was manufactured or intended for use for purposes other than gambling.

(39) "Public gambling" means gambling conducted in:

(a) a place, building, or conveyance to which the public has access or may be permitted to have access;

(b) a place of public resort, including but not limited to a facility owned, managed, or operated by a partnership, corporation, association, club, fraternal order, or society, including a religious or charitable organization; or

(c) a place, building, or conveyance to which the public does not have access if players are publicly solicited or the gambling activity is conducted in a predominantly commercial manner.

(40) "Raffle" means a form of lottery in which each participant pays valuable consideration for a ticket to become eligible to win a prize. Winners must be determined by a random selection process approved by department rule.

(41) "Route operator" means a person who:

(a) purchases from a licensed manufacturer, route operator, or distributor equipment of any kind for use in a gambling activity;

(b) leases the equipment to a licensed operator for use by the public; and

(c) may sell to a licensed operator equipment that had previously been authorized to be operated on a premises and may sell gambling equipment to a distributor or manufacturer.

(42) "Senior citizen center" means a facility operated by a nonprofit or governmental organization that provides services to senior citizens in the form of daytime or evening educational or recreational activities and does not provide living accommodations to senior citizens. Services qualifying under this definition must be recognized in the state plan on aging adopted by the department of public health and human services.

(43) (a) "Slot machine" means a mechanical, electrical, electronic, or other gambling device, contrivance, or machine that, upon insertion of a coin, currency, token, credit card, or similar object or upon payment of any valuable consideration, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, may deliver or entitle the person playing or operating the gambling device to receive cash, premiums, merchandise, tokens, or anything of value, whether the payoff is made automatically from the machine or in any other manner.

(b) This definition does not apply to video gambling machines authorized under part 6 of this chapter.

(44) "Video gambling machine" is a gambling device specifically authorized by part 6 of this chapter and the rules of the department."

Section 2. Section 23-5-157, MCA, is amended to read:

"**23-5-157. Gambling on cash basis -- penalties.** (1) (a) Except as provided in subsection (1)(b), in every gambling activity the consideration paid for the chance to play must be made in cash. A check or debit card may be used

to obtain cash to participate in a gambling activity. A participant shall present the cash needed to play the game as the game is being played. If a check or debit card is used to obtain cash on the premises of a licensee then it must be delivered and accepted unconditionally. A licensee or employee of a licensee may not hold a check or other evidence of indebtedness for redemption pending the outcome of a gambling activity.

(b) The consideration for the chance to participate in Calcutta pools as provided in 23-5-222, raffles as provided in 23-5-413, casino nights as provided in 23-5-702, and card games normally scored using points as provided in Title 23, chapter 5, part 3, may be paid by cash, check, or debit card.

(c) Credit gambling is prohibited*, except as provided in 23-5-413*. Credit gambling is offering or accepting as part of the price of participation in a gambling activity or as payment of a debt incurred in a gambling activity:

(i) a check, credit card, or debit card held pending the outcome of a gambling activity;

(ii) a loan of any kind at any time from or on behalf of a licensee;

(iii) any form of deferred payment, including a note, IOU, post-dated check, hold check, or other evidence of indebtedness; or

(iv) a check issued or delivered that is accepted by the licensee with the knowledge that it will not be paid by the depository.

(2) A person who violates this section is guilty of a criminal offense under 23-5-156 and must be punished in accordance with 23-5-161 or 23-5-162."

Section 3. Section 23-5-413, MCA, is amended to read:

"**23-5-413. Raffle prizes -- investigations -- rulemaking.** (1) (a) The department shall investigate all violations of this part.

(b) The department may adopt rules to require recordkeeping for receipts and payouts under this part and to establish procedures to ensure the fair selection of winners.

(2) (a) A person or organization conducting a raffle shall own all prizes to be awarded as part of the raffle before the sale of any tickets.

(b) The value of a prize awarded for an individual ticket for a raffle conducted by a person or an organization may not exceed $5,000. Prizes may not be combined in any manner to increase the ultimate value of the prize awarded for each ticket.

(c) The provisions of subsections (2)(a) and (2)(b) do not apply to a nonprofit organization, a college, a university, a public school district as provided in 20-6-101 and 20-6-701, or a nonpublic school as described in 20-5-102(2)(e). The proceeds from the sale of tickets for a raffle conducted by a nonprofit organization, college, university, or school district may be used only for charitable purposes or to pay for prizes and may not be used for the administrative costs of conducting the raffle.

(3) (a) The sale of raffle tickets authorized by this part is restricted to events and participants within the geographic confines of the state. Nonprofit organizations may sell raffle tickets outside the state of Montana if the purchase is not prohibited in the jurisdiction in which the purchaser resides.

(b) Except raffles sponsored by nonprofit organizations, the sale of raffle tickets may not be conducted over the internet. All raffle announcements or advertisements conducted over the internet must include this sale restriction, the name of the organization offering the raffle, and all raffle terms.

(c) Except for a raffle sponsored by a nonprofit organization, college, university, or school district, the sale of a raffle ticket may not be purchased with a credit card."

Section 4. Effective date. [This act] is effective June 1, 2025.

Approved May 1, 2025

CHAPTER NO. 235

[HB 166]

AN ACT REMOVING THE TERMINATION DATE FOR THE MONTANA HISTORICAL SOCIETY MEMBERSHIP SPECIAL REVENUE ACCOUNT AND THE MONTANA ORIGINAL GOVERNOR'S MANSION SPECIAL REVENUE ACCOUNT; REPEALING SECTION 6, CHAPTER 423, LAWS OF 2015; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Repealer. Section 6, Chapter 423, Laws of 2015, is repealed.

Section 2. Effective date. [This act] is effective on passage and approval.

Approved May 1, 2025

CHAPTER NO. 236

[HB 180]

AN ACT REVISING SANITATION IN SUBDIVISION LAWS; PROHIBITING A LOCAL BOARD OF HEALTH FROM ADOPTING REGULATIONS THAT WOULD ALLOW FOR A MIXING ZONE THAT ENCROACHES ON ADJACENT PROPERTY; PROVIDING THAT THE SANITATION IN SUBDIVISIONS ACT DOES NOT APPLY TO CERTAIN DRAINFIELD MIXING ZONES; REVISING A DEFINITION; AND AMENDING SECTIONS 50-2-116 AND 76-4-102, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 50-2-116, MCA, is amended to read:

"**50-2-116. Powers and duties of local boards of health.** (1) Except as provided in subsection (5), in order to carry out the purposes of the public health system, in collaboration with federal, state, and local partners, each local board of health shall:

(a) recommend to the governing body the appointment of a local health officer who is:

(i) a physician;

(ii) a person with a master's degree in public health; or

(iii) a person with equivalent education and experience, as determined by the department;

(b) elect a presiding officer and other necessary officers;

(c) adopt bylaws to govern meetings;

(d) hold regular meetings at least quarterly and hold special meetings as necessary;

(e) identify, assess, prevent, and ameliorate conditions of public health importance through:

(i) epidemiological tracking and investigation;

(ii) screening and testing;

(iii) isolation and quarantine measures;

(iv) diagnosis, treatment, and case management;

(v) abatement of public health nuisances;

(vi) inspections;

(vii) collecting and maintaining health information;

(viii) education and training of health professionals; or

(ix) other public health measures as allowed by law;

(f) protect the public from the introduction and spread of communicable disease or other conditions of public health importance, including through actions to ensure the removal of filth or other contaminants that might cause disease or adversely affect public health;

(g) supervise or make inspections for conditions of public health importance and issue written orders for compliance or for correction, destruction, or removal of the conditions;

(h) bring and pursue actions and issue orders necessary to abate, restrain, or prosecute the violation of public health laws, rules, and local regulations;

(i) identify to the department an administrative liaison for public health. The liaison must be the local health officer in jurisdictions that employ a full-time local health officer. In jurisdictions that do not employ a full-time local health officer, the liaison must be the highest ranking public health professional employed by the jurisdiction.

(j) subject to the provisions of 50-2-130, propose for adoption by the local governing body necessary regulations that are not less stringent than state standards for the control and disposal of sewage from private and public buildings and facilities that are not regulated by Title 75, chapter 6, or Title 76, chapter 4. The regulations must*:*

(i) describe standards for granting variances from the minimum requirements that are identical to standards promulgated by the department of environmental quality and must provide for appeal of variance decisions to the department of environmental quality as required by 75-5-305*;*

(ii) for parcels created after March 30, 2011, prohibit the construction of a subsurface wastewater treatment system if the associated mixing zone would encroach onto adjacent property, except as allowed in 76-4-104(7)(i); and;

(iii) ~~If~~ *if* the local board of health regulates or permits water well drilling, ~~the regulations must~~ prohibit the drilling of a well if the well isolation zone, as defined in 76-4-102, encroaches onto adjacent private property without the authorization of the private property owner.

(2) Local boards of health may:

(a) accept and spend funds received from a federal agency, the state, a school district, or other persons or entities;

(b) propose for adoption by the local governing body necessary fees to administer regulations for the control and disposal of sewage from private and public buildings and facilities;

(c) propose for adoption by the local governing body regulations that do not conflict with 50-50-126 or rules adopted by the department:

(i) for the control of communicable diseases;

(ii) for the removal of filth that might cause disease or adversely affect public health;

(iii) subject to the provisions of 50-2-130, for sanitation in public and private buildings and facilities that affects public health and for the maintenance of sewage treatment systems that do not discharge effluent directly into state water and that are not required to have an operating permit as required by rules adopted under 75-5-401;

(iv) subject to the provisions of 50-2-130 and Title 50, chapter 48, for tattooing and body-piercing establishments and that are not less stringent than state standards for tattooing and body-piercing establishments;

(v) for the establishment of institutional controls that have been selected or approved by the:

(A) United States environmental protection agency as part of a remedy for a facility under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601, et seq.; or

(B) department of environmental quality as part of a remedy for a facility under the Montana Comprehensive Environmental Cleanup and Responsibility Act, Title 75, chapter 10, part 7; and

(vi) to implement the public health laws;

(d) adopt rules necessary to implement and enforce regulations adopted by the local governing body; and

(e) promote cooperation and formal collaborative agreements between the local board of health and tribes, tribal organizations, and the Indian health service regarding public health planning, priority setting, information and data sharing, reporting, resource allocation, service delivery, jurisdiction, and other matters addressed in this title.

(3) A local board of health may provide, implement, facilitate, or encourage other public health services and functions as considered reasonable and necessary.

(4) A directive, mandate, or order issued by a local board of health in response to a declaration of emergency or disaster by the governor as allowed in 10-3-303 or by the principal executive officer of a political subdivision as allowed in 10-3-402 and 10-3-403:

(a) remains in effect only during the declared state of emergency or disaster or until the governing body holds a public meeting and allows public comment and the majority of the governing body moves to amend, rescind, or otherwise change the directive, mandate, or order; and

(b) may not interfere with or otherwise limit, modify, or abridge a person's physical attendance at or operation of a religious facility, church, synagogue, or other place of worship.

(5) A regulation allowed in subsection (2)(c)(i), (2)(c)(ii), or (2)(c)(vi) adopted or a directive, mandate, or order implemented to carry out the provisions of this part that applies to the entire jurisdictional area of a town, city, or county under the jurisdiction of the local health board may not:

(a) compel a private business to deny a customer of the private business access to the premises or access to goods or services;

(b) deny a customer of a private business the ability to access goods or services provided by the private business; or

(c) include any of the following actions for noncompliance of actions described in subsections (5)(a) and (5)(b):

(i) require the assessment of a fee or fine;

(ii) require the revocation of a license required for the operation of a private business;

(iii) find a private business owner guilty of a misdemeanor; or

(iv) bring any other retributive action against a private business owner, including but not limited to an action allowed under 50-2-123, a penalty allowed under 50-2-124, or any other criminal charge.

(6) The prohibition provided for in subsection (5)(b) does not apply to persons confirmed to have a communicable disease and who are currently under a public isolation order.

(7) The prohibitions provided for in subsection (5) do not restrict a local board of health from exercising its authority under this section to enforce and ensure compliance by private businesses with all lawfully adopted regulations, directives, and orders.

(8) As used in this section, "private business" means an individual or entity that is not principally a part of or associated with a government unit. The term includes but is not limited to a nonprofit or for-profit entity, a corporation, a sole proprietorship, or a limited liability company."

Section 2. Section 76-4-102, MCA, is amended to read:

"**76-4-102. Definitions.** As used in this part, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Adequate county water and/or sewer district facilities" means facilities provided by a county water and/or sewer district incorporated under Title 7, chapter 13, that operate in compliance with Title 75, chapters 5 and 6.

(2) "Adequate municipal facilities" means municipally, publicly, or privately owned facilities that supply water, treat sewage, or dispose of solid waste for all or most properties within the boundaries of a municipality and that are operating in compliance with Title 75, chapters 5 and 6, including development plans approved by the department pursuant to 75-6-130.

(3) "Board" means the board of environmental review.

(4) "Certifying authority" means a municipality or a county water and/or sewer district that meets the eligibility requirements established by the department under 76-4-104(7).

(5) "Department" means the department of environmental quality.

(6) "Extension of a public sewage system" means a sewerline that connects two or more sewer service lines to a sewer main.

(7) "Extension of a public water supply system" means a waterline that connects two or more water service lines to a water main.

(8) "Facilities" means public or private facilities for the supply of water or disposal of sewage or solid waste and any pipes, conduits, or other stationary method by which water, sewage, or solid wastes might be transported or distributed.

(9) "Independent reviewer" means a registered sanitarian or registered professional engineer that the department has certified to conduct a review under 76-4-104.

(10) "Individual water system" means any water system that serves one living unit or commercial unit and that is not a public water supply system as defined in 75-6-102.

(11) "Mixing zone" has the meaning provided in 75-5-103.

(12) (a) "Proposed drainfield mixing zone" means a mixing zone submitted for approval under this chapter after March 30, 2011*, for a parcel that was created after March 30, 2011*.

(b) ~~The term does not include drainfield mixing zones that existed or were approved under this chapter prior to March 30, 2011~~ *The term does not include a mixing zone approved under this chapter before March 30, 2011, or a mixing zone approved under Title 50, chapter 2, part 1, before October 1, 2025*.

(13) (a) "Proposed well isolation zone" means a well isolation zone submitted for approval under this chapter after October 1, 2013.

(b) The term does not include well isolation zones that existed or were approved under this chapter prior to October 1, 2013.

(14) "Public sewage system" or "public sewage disposal system" means a public sewage system as defined in 75-6-102.

(15) "Public water supply system" has the meaning provided in 75-6-102.

(16) "Regional authority" means any regional water authority, regional wastewater authority, or regional water and wastewater authority organized pursuant to the provisions of Title 75, chapter 6, part 3.

(17) "Registered professional engineer" means a person licensed to practice as a professional engineer under Title 37, chapter 67.

(18) "Registered sanitarian" means a person licensed to practice as a sanitarian under Title 37, chapter 40.

(19) "Reviewing authority" means the department or a local department or board of health certified to conduct a review under 76-4-104.

(20) "Sanitary restriction" means a prohibition against the erection of any dwelling, shelter, or building requiring facilities for the supply of water or the disposition of sewage or solid waste or the construction of water supply or sewage or solid waste disposal, facilities until the department has approved plans for those facilities.

(21) "Sewage" has the meaning provided in 75-5-103.

(22) "Sewer service line" means a sewerline that connects a single building or living unit to a public sewage system or to an extension of a public sewage system.

(23) "Solid waste" has the meaning provided in 75-10-103.

(24) "Subdivision" means a division of land or land so divided that creates one or more parcels containing less than 20 acres, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed and includes any resubdivision, any condominium, townhome, or townhouse, or any parcel, regardless of size, that provides two or more permanent spaces for recreational camping vehicles or mobile homes.

(25) "Water service line" means a waterline that connects a single building or living unit to a public water supply system or to an extension of a public water supply system.

(26) "Well isolation zone" means the area within a 100-foot radius of a water well or a smaller, site-specific radius as approved by the department."

Approved May 1, 2025

CHAPTER NO. 237

[HB 184]

AN ACT GENERALLY REVISING LAWS RELATED TO INDIVIDUALS WHO ARE DEAF OR HARD OF HEARING; MODIFYING LANGUAGE IN MONTANA LAWS THAT MAY DIMINISH THE DIGNITY OF INDIVIDUALS WHO ARE DEAF OR HARD OF HEARING; AMENDING SECTIONS 2-18-704, 13-1-101, 20-8-102, 20-8-104, 20-8-107, 20-8-116, 33-22-128, 37-16-102, 49-4-501, 49-4-502, 49-4-602, 53-19-401, AND 53-19-402, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-18-704, MCA, is amended to read:

"**2-18-704. Mandatory provisions.** (1) An insurance contract or plan issued under this part must contain provisions that permit:

(a) the member of a group who retires from active service under the appropriate retirement provisions of a defined benefit plan provided by law or, in the case of the defined contribution plan provided in Title 19, chapter 3, part 21, a member with at least 5 years of service and who is at least age 50 while in covered employment to remain a member of the group until the member becomes eligible for medicare under the federal Health Insurance for the Aged Act, 42 U.S.C. 1395, unless the member is a participant in another group plan with substantially the same or greater benefits at an equivalent cost or unless the member is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost;

(b) the surviving spouse of a member to remain a member of the group as long as the spouse is eligible for retirement benefits accrued by the deceased member as provided by law unless the spouse is eligible for medicare under the federal Health Insurance for the Aged Act or unless the spouse has or is eligible for equivalent insurance coverage as provided in subsection (1)(a);

(c) the surviving children of a member to remain members of the group as long as they are eligible for retirement benefits accrued by the deceased member as provided by law unless they have equivalent coverage as provided in subsection (1)(a) or are eligible for insurance coverage by virtue of the employment of a surviving parent or legal guardian.

(2) An insurance contract or plan issued under this part must contain the provisions of subsection (1) for remaining a member of the group and also must permit:

(a) the spouse of a retired member the same rights as a surviving spouse under subsection (1)(b);

(b) the spouse of a retiring member to convert a group policy as provided in 33-22-508; and

(c) continued membership in the group by anyone eligible under the provisions of this section, notwithstanding the person's eligibility for medicare under the federal Health Insurance for the Aged Act.

(3) (a) A state insurance contract or plan must contain provisions that permit a legislator to remain a member of the state's group plan until the legislator becomes eligible for medicare under the federal Health Insurance for the Aged Act if the legislator:

(i) terminates service in the legislature and is a vested member of a state retirement system provided by law; and

(ii) notifies the department of administration in writing within 90 days of the end of the legislator's legislative term.

(b) A former legislator may not remain a member of the group plan under the provisions of subsection (3)(a) if the person:

(i) is a member of a plan with substantially the same or greater benefits at an equivalent cost; or

(ii) is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost.

(c) A legislator who remains a member of the group under the provisions of subsection (3)(a) and subsequently terminates membership may not rejoin the group plan unless the person again serves as a legislator.

(4) (a) A state insurance contract or plan must contain provisions that permit continued membership in the state's group plan by a member of the judges' retirement system who leaves judicial office but continues to be an inactive vested member of the judges' retirement system as provided by 19-5-301. The judge shall notify the department of administration in writing within 90 days of the end of the judge's judicial service of the judge's choice to continue membership in the group plan.

(b) A former judge may not remain a member of the group plan under the provisions of this subsection (4) if the person:

(i) is a member of a plan with substantially the same or greater benefits at an equivalent cost;

(ii) is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost; or

(iii) becomes eligible for medicare under the federal Health Insurance for the Aged Act.

(c) A judge who remains a member of the group under the provisions of this subsection (4) and subsequently terminates membership may not rejoin the group plan unless the person again serves in a position covered by the state's group plan.

(5) A person electing to remain a member of the group under subsection (1), (2), (3), or (4) shall pay the full premium for coverage and for that of the person's covered dependents.

(6) An insurance contract or plan issued under this part that provides for the dispensing of prescription drugs by an out-of-state mail service pharmacy, as defined in 37-7-702:

(a) must permit any member of a group to obtain prescription drugs from a pharmacy located in Montana that is willing to match the price charged to the group or plan and to meet all terms and conditions, including the same professional requirements that are met by the mail service pharmacy for a drug, without financial penalty to the member; and

(b) may only be with an out-of-state mail service pharmacy that is registered with the board under Title 37, chapter 7, part 7, and that is registered in this state as a foreign corporation.

(7) An insurance contract or plan issued under this part must include coverage for:

(a) treatment of inborn errors of metabolism, as provided for in 33-22-131;

(b) therapies for Down syndrome, as provided in 33-22-139;

(c) treatment for children with ~~hearing loss~~ *various auditory ranges* as provided in 33-22-128(1) and (2);

(d) fertility preservation services as required under 33-22-2103;

(e) the care and treatment of mental illness in accordance with the provisions of Title 33, chapter 22, part 7;

(f) telehealth services, as provided for in 33-22-138; and

(g) refills of prescription eyedrops as provided in 33-22-154.

(8) (a) An insurance contract or plan issued under this part that provides coverage for an individual in a member's family must provide coverage for well-child care for children from the moment of birth through 7 years of age. Benefits provided under this coverage are exempt from any deductible provision that may be in force in the contract or plan.

(b) Coverage for well-child care under subsection (8)(a) must include:

(i) a history, physical examination, developmental assessment, anticipatory guidance, and laboratory tests, according to the schedule of visits adopted under the early and periodic screening, diagnosis, and treatment services program provided for in 53-6-101; and

(ii) routine immunizations according to the schedule for immunization recommended by the advisory committee on immunization practices of the U.S. department of health and human services.

(c) Minimum benefits may be limited to one visit payable to one provider for all of the services provided at each visit as provided for in this subsection (8).

(d) For purposes of this subsection (8):

(i) "developmental assessment" and "anticipatory guidance" mean the services described in the Guidelines for Health Supervision II, published by the American academy of pediatrics; and

(ii) "well-child care" means the services described in subsection (8)(b) and delivered by a physician or a health care professional supervised by a physician.

(9) Upon renewal, an insurance contract or plan issued under this part under which coverage of a dependent terminates at a specified age must continue to provide coverage for any dependent, as defined in the insurance contract or plan, until the dependent reaches 26 years of age. For insurance contracts or plans issued under this part, the premium charged for the additional coverage of a dependent, as defined in the insurance contract or plan, may be required to be paid by the insured and not by the employer.

(10) Prior to issuance of an insurance contract or plan under this part, written informational materials describing the contract's or plan's cancer screening coverages must be provided to a prospective group or plan member.

(11) The state employee group benefit plans and the Montana university system group benefits plans must provide coverage for hospital inpatient care for a period of time as is determined by the attending physician and, in the case of a health maintenance organization, the primary care physician, in consultation with the patient to be medically necessary following a mastectomy, a lumpectomy, or a lymph node dissection for the treatment of breast cancer.

(12) (a) (i) The state employee group benefit plans and the Montana university system group benefits plans must provide coverage for medically necessary and prescribed outpatient self-management training and education for the treatment of diabetes. Any education must be provided by a licensed health care professional with expertise in diabetes. At a minimum, the benefit must consist of:

(A) 20 visits of training and education in diabetes self-management provided in either an individual or group setting if the person has not received the training and education previously; and

(B) 12 visits of followup diabetes self-management training and education services in subsequent years for an insured who has previously received and exhausted the initial 20 visits of education.

(ii) For the purposes of this subsection (12)(a), the term "visit" refers to a period of 30 minutes.

(b) The state employee group benefit plans and the Montana university system group benefits plans must provide coverage for diabetic equipment and supplies that at a minimum includes insulin, syringes, injection aids, devices for self-monitoring of glucose levels (including those for the visually impaired), test strips, visual reading and urine test strips, one insulin pump for each warranty period, accessories to insulin pumps, one prescriptive oral agent for controlling blood sugar levels for each class of drug approved by the United States food and drug administration, and glucagon emergency kits.

(c) Nothing in subsection (12)(a) or (12)(b) prohibits the state or the Montana university group benefit plans from providing a greater benefit or an alternative benefit of substantially equal value, in which case subsection (12)(a) or (12)(b), as appropriate, does not apply.

(d) Annual copayment and deductible provisions are subject to the same terms and conditions applicable to all other covered benefits within a given policy.

(e) This subsection (12) does not apply to disability income, hospital indemnity, medicare supplement, accident-only, vision, dental, specific disease, or long-term care policies offered by the state or the Montana university system as benefits to employees, retirees, and their dependents.

(13) (a) Except as provided in subsection (16), the state employee group benefit plans and the Montana university system group benefits plans that provide coverage to the spouse or dependents of a peace officer as defined in 45-2-101, a game warden as defined in 19-8-101, a firefighter as defined in 19-13-104, or a volunteer firefighter as defined in 19-17-102 shall renew the coverage of the spouse or dependents if the peace officer, game warden, firefighter, or volunteer firefighter dies within the course and scope of employment. Except as provided in subsection (13)(b), the continuation of the coverage is at the option of the spouse or dependents. Renewals of coverage under this section must provide for the same level of benefits as is available to other members of the group. Premiums charged to a spouse or dependent under this section must be the same as premiums charged to other similarly situated

members of the group. Dependent special enrollment must be allowed under the terms of the insurance contract or plan. The provisions of this subsection (13)(a) are applicable to a spouse or dependent who is insured under a COBRA continuation provision.

(b) The state employee group benefit plans and the Montana university system group benefits plans subject to the provisions of subsection (13)(a) may discontinue or not renew the coverage of a spouse or dependent only if:

(i) the spouse or dependent has failed to pay premiums or contributions in accordance with the terms of the state employee group benefit plans and the Montana university system group benefits plans or if the plans have not received timely premium payments;

(ii) the spouse or dependent has performed an act or practice that constitutes fraud or has made an intentional misrepresentation of a material fact under the terms of the coverage; or

(iii) the state employee group benefit plans and the Montana university system group benefits plans are ceasing to offer coverage in accordance with applicable state law.

(14) The state employee group benefit plans and the Montana university system group benefits plans must comply with the provisions of 33-22-153.

(15) An insurance contract or plan issued under this part and a group benefits plan issued by the Montana university system must provide mental health coverage that meets the provisions of Title 33, chapter 22, part 7.

(16) The employing state agency of a law enforcement officer as defined in 2-15-2040 who is covered under the state employee group benefit plan shall:

(a) if the officer is catastrophically injured in the line of duty as defined in 2-15-2040, enroll the officer and the officer's covered spouse or dependent children in COBRA continuation coverage when that officer is terminated from employment as a result of the catastrophic injury. The officer and the officer's spouse or dependent children may opt out of COBRA continuation coverage within 60 days of enrollment.

(b) enroll the officer's covered spouse or dependent children in COBRA continuation coverage if the officer dies in the line of duty as defined in 2-15-2040. The officer's spouse or dependent children may opt out of COBRA coverage within 60 days of the date of enrollment.

(c) pay the COBRA premium for 4 months of COBRA continuation coverage for the officer and the officer's covered spouse or dependent children enrolled in COBRA continuation coverage pursuant to subsections (16)(a) or (16)(b), after which time the officer and the officer's spouse or dependent children shall pay the COBRA premium. (See compiler's comments for contingent termination of certain text.)"

Section 2. Section 13-1-101, MCA, is amended to read:

"**13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Active elector" means an elector whose name has not been placed on the inactive list due to failure to respond to confirmation notices pursuant to 13-2-220 or 13-19-313.

(2) "Active list" means a list of active electors maintained pursuant to 13-2-220.

(3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(4) "Application for voter registration" means a voter registration form prescribed by the secretary of state that is completed and signed by an elector, is submitted to the election administrator, and contains voter registration information subject to verification as provided by law.

(5) "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such as an optical scan system or other technology that automatically tabulates votes cast by processing the paper ballots.

(6) (a) "Ballot issue" or "issue" means a proposal submitted to the people at an election for their approval or rejection, including but not limited to an initiative, referendum, proposed constitutional amendment, recall question, school levy question, bond issue question, or ballot question.

(b) For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by the proper official that the legal procedure necessary for its qualification and placement on the ballot has been completed, except that a statewide issue becomes a "ballot issue" upon preparation and transmission by the secretary of state of the form of the petition or referral to the person who submitted the proposed issue.

(7) "Ballot issue committee" means a political committee specifically organized to support or oppose a ballot issue.

(8) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or appointment as a candidate for public office as required by law;

(b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; or

(c) an officeholder who is the subject of a recall election.

(9) (a) "Contribution" means:

(i) the receipt by a candidate or a political committee of an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to support or oppose a candidate or a ballot issue;

(ii) an expenditure, including an in-kind expenditure, that is made in coordination with a candidate or ballot issue committee and is reportable by the candidate or ballot issue committee as a contribution;

(iii) the receipt by a political committee of funds transferred from another political committee; or

(iv) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee.

(b) The term does not mean:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

(ii) meals and lodging provided by individuals in their private residences for a candidate or other individual;

(iii) the use of a person's real property for a fundraising reception or other political event; or

(iv) the cost of a communication not for distribution to the general public by a religious organization exempt from federal income tax when compliance with Title 13 would burden the organization's sincerely held religious beliefs or practices.

(c) This definition does not apply to Title 13, chapter 37, part 6.

(10) "Coordinated", including any variations of the term, means made in cooperation with, in consultation with, at the request of, or with the express prior consent of a candidate or political committee or an agent of a candidate or political committee.

(11) "De minimis act" means an action, contribution, or expenditure that is so small that it does not trigger registration, reporting, disclaimer, or disclosure obligations under Title 13, chapter 35 or 37, or warrant enforcement as a campaign practices violation under Title 13, chapter 37.

(12) "Disability" means a temporary or permanent mental or physical ~~impairment~~ *condition* such as:

(a) impaired vision;

(b) ~~impaired hearing~~ *being deaf or hard of hearing*;

(c) impaired mobility. Individuals having impaired mobility include those who require use of a wheelchair and those who are ambulatory but are physically impaired because of age, disability, or disease.

(d) impaired mental or physical functioning that makes it difficult for the person to participate in the process of voting.

(13) "Election" means a general, special, or primary election held pursuant to the requirements of state law, regardless of the time or purpose.

(14) (a) "Election administrator" means, except as provided in subsection (14)(b), the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties, except that with regard to school elections not administered by the county, the term means the school district clerk.

(b) As used in chapter 2 regarding voter registration, the term means the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties even if the school election is administered by the school district clerk.

(15) (a) "Election communication" means the following forms of communication to support or oppose a candidate or ballot issue:

(i) a paid advertisement broadcast over radio, television, cable, or satellite;

(ii) paid placement of content on the internet or other electronic communication network;

(iii) a paid advertisement published in a newspaper or periodical or on a billboard;

(iv) a mailing; or

(v) printed materials.

(b) The term does not mean:

(i) an activity or communication for the purpose of encouraging individuals to register to vote or to vote, if that activity or communication does not mention or depict a clearly identified candidate or ballot issue;

(ii) a communication that does not support or oppose a candidate or ballot issue;

(iii) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, internet website, or other periodical publication of general circulation;

(iv) a communication by any membership organization or corporation to its members, stockholders, or employees;

(v) a communication not for distribution to the general public by a religious organization exempt from federal income tax when compliance with Title 13 would burden the organization's sincerely held religious beliefs or practices; or

(vi) a communication that the commissioner determines by rule is not an election communication.

(16) "Election judge" means a person who is appointed pursuant to Title 13, chapter 4, part 1, to perform duties as specified by law.

(17) "Election official" means an election administrator, election deputy, or election judge.

(18) "Election worker" means an individual designated by an election official to perform election support duties.

(19) (a) "Electioneering communication" means a paid communication that is publicly distributed by radio, television, cable, satellite, internet website, newspaper, periodical, billboard, mail, or any other distribution of printed materials, that is made within 60 days of the initiation of voting in an election, that does not support or oppose a candidate or ballot issue, that can be received by more than 100 recipients in the district voting on the candidate or ballot issue, and that:

(i) refers to one or more clearly identified candidates in that election;

(ii) depicts the name, image, likeness, or voice of one or more clearly identified candidates in that election; or

(iii) refers to a political party, ballot issue, or other question submitted to the voters in that election.

(b) The term does not mean:

(i) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, internet website, or other periodical publication of general circulation unless the facilities are owned or controlled by a candidate or political committee;

(ii) a communication by any membership organization or corporation to its members, stockholders, or employees;

(iii) a commercial communication that depicts a candidate's name, image, likeness, or voice only in the candidate's capacity as owner, operator, or employee of a business that existed prior to the candidacy;

(iv) a communication that constitutes a candidate debate or forum or that solely promotes a candidate debate or forum and is made by or on behalf of the person sponsoring the debate or forum;

(v) a communication not for distribution to the general public by a religious organization exempt from federal income tax when compliance with Title 13 would burden the organization's sincerely held religious beliefs or practices; or

(vi) a communication that the commissioner determines by rule is not an electioneering communication.

(20) "Elector" means an individual qualified to vote under state law.

(21) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value:

(i) made by a candidate or political committee to support or oppose a candidate or a ballot issue;

(ii) made by a candidate while the candidate is engaging in campaign activity to pay child-care expenses as provided in 13-37-220; or

(iii) used or intended for use in making independent expenditures or in producing electioneering communications.

(b) The term does not mean:

(i) services, food, or lodging provided in a manner that they are not contributions under subsection (9);

(ii) except as provided in subsection (21)(a)(ii), payments by a candidate for personal travel expenses, food, clothing, lodging, or personal necessities for the candidate and the candidate's family;

(iii) the cost of any bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

(iv) the cost of any communication by any membership organization or corporation to its members or stockholders or employees;

(v) the use of a person's real property for a fundraising reception or other political event; or

(vi) the cost of a communication not for distribution to the general public by a religious organization exempt from federal income tax when compliance with Title 13 would burden the organization's sincerely held religious beliefs or practices.

(c) This definition does not apply to Title 13, chapter 37, part 6.

(22) "Federal election" means an election in even-numbered years in which an elector may vote for individuals for the office of president of the United States or for the United States congress.

(23) "General election" means an election that is held for offices that first appear on a primary election ballot, unless the primary is canceled as authorized by law, and that is held on a date specified in 13-1-104.

(24) "Inactive elector" means an individual who failed to respond to confirmation notices and whose name was placed on the inactive list pursuant to 13-2-220 or 13-19-313.

(25) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.

(26) (a) "Incidental committee" means a political committee that is not specifically organized or operating for the primary purpose of supporting or opposing candidates or ballot issues but that may incidentally become a political committee by receiving a contribution or making an expenditure.

(b) For the purpose of this subsection (26), the primary purpose is determined by the commissioner by rule and includes criteria such as the allocation of budget, staff, or members' activity or the statement of purpose or goal of the person or individuals that form the committee.

(27) "Independent committee" means a political committee organized for the primary purpose of receiving contributions and making expenditures that is not controlled either directly or indirectly by a candidate and that does not coordinate with a candidate in conjunction with the making of expenditures except pursuant to the limits set forth in 13-37-216(1).

(28) "Independent expenditure" means an expenditure for an election communication to support or oppose a candidate or ballot issue made at any time that is not coordinated with a candidate or ballot issue committee.

(29) "Individual" means a human being.

(30) "Legally registered elector" means an individual whose application for voter registration was accepted, processed, and verified as provided by law.

(31) "Mail ballot election" means any election that is conducted under Title 13, chapter 19, by mailing ballots to all active electors.

(32) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee, including a political committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (8).

(33) "Place of deposit" means a location designated by the election administrator pursuant to 13-19-307 for a mail ballot election conducted under Title 13, chapter 19.

(34) (a) "Political committee" means a combination of two or more individuals or a person other than an individual who receives a contribution or makes an expenditure:

(i) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination;

(ii) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(iii) to prepare or disseminate an election communication, an electioneering communication, or an independent expenditure.

(b) Political committees include ballot issue committees, incidental committees, independent committees, and political party committees.

(c) A candidate and the candidate's treasurer do not constitute a political committee.

(d) A political committee is not formed when a combination of two or more individuals or a person other than an individual makes an election communication, an electioneering communication, or an independent expenditure of $250 or less.

(e) A joint fundraising committee is not a political committee.

(35) "Political party committee" means a political committee formed by a political party organization and includes all county and city central committees.

(36) "Political party organization" means a political organization that:

(a) was represented on the official ballot in either of the two most recent statewide general elections; or

(b) has met the petition requirements provided in Title 13, chapter 10, part 5.

(37) "Political subdivision" means a county, consolidated municipal-county government, municipality, special purpose district, or any other unit of government, except school districts, having authority to hold an election.

(38) "Polling place election" means an election primarily conducted at polling places rather than by mail under the provisions of Title 13, chapter 19.

(39) "Primary" or "primary election" means an election held on a date specified in 13-1-107 to nominate candidates for offices filled at a general election.

(40) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not been verified as provided by law.

(41) "Provisionally registered elector" means an individual whose application for voter registration was accepted but whose identity or eligibility has not yet been verified as provided by law.

(42) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

(43) "Random-sample audit" means an audit involving a manual count of ballots from designated races and ballot issues in precincts selected through a random process as provided in 13-17-503 and 13-17-510.

(44) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

(45) "Regular school election" means the school trustee election provided for in 20-20-105(1).

(46) "Religious organization" means a house of worship with the major purpose of supporting religious activities, including but not limited to a church, mosque, shrine, synagogue, or temple. The organic documents of the organization must list a formal code of doctrine and discipline, and the organization must spend the majority of its money on religious activities such as regular religious services, educational preparation for its ministers, development and support of its ministers, membership development, outreach and support, and the production and distribution of religious literature developed by the organization.

(47) "School election" has the meaning provided in 20-1-101.

(48) "School election filing officer" means the filing officer with whom the declarations for nomination for school district office were filed or with whom the school ballot issue was filed.

(49) "School recount board" means the board authorized pursuant to 20-20-420 to perform recount duties in school elections.

(50) "Signature envelope" means an envelope that contains a secrecy envelope and ballot and that is designed to:

(a) allow election officials, upon examination of the outside of the envelope, to determine that the ballot is being submitted by someone who is in fact a qualified elector and who has not already voted; and

(b) allow it to be used in the United States mail.

(51) "Special election" means an election held on a day other than the day specified for a primary election, general election, or regular school election.

(52) "Special purpose district" means an area with special boundaries created as authorized by law for a specialized and limited purpose.

(53) "Statewide voter registration list" means the voter registration list established and maintained pursuant to 13-2-107 and 13-2-108.

(54) "Support or oppose", including any variations of the term, means:

(a) using express words, including but not limited to "vote", "oppose", "support", "elect", "defeat", or "reject", that call for the nomination, election, or defeat of one or more clearly identified candidates, the election or defeat of one or more political parties, or the passage or defeat of one or more ballot issues submitted to voters in an election; or

(b) otherwise referring to or depicting one or more clearly identified candidates, political parties, or ballot issues in a manner that is susceptible of no reasonable interpretation other than as a call for the nomination, election, or defeat of the candidate in an election, the election or defeat of the political party, or the passage or defeat of the ballot issue or other question submitted to the voters in an election.

(55) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided in 13-15-206.

(56) "Voted ballot" means a ballot that is:

(a) deposited in the ballot box at a polling place;

(b) received at the election administrator's office; or

(c) returned to a place of deposit.

(57) "Voter interface device" means a voting system that:

(a) is accessible to electors with disabilities;

(b) communicates voting instructions and ballot information to a voter;

(c) allows the voter to select and vote for candidates and issues and to verify and change selections; and

(d) produces a paper ballot that displays electors' choices so the elector can confirm the ballot's accuracy and that may be manually counted.

(58) "Voting system" or "system" means any machine, device, technology, or equipment used to automatically record, tabulate, or process the vote of an elector cast on a paper ballot."

Section 3. Section 20-8-102, MCA, is amended to read:

"**20-8-102. Objects and purposes -- assistance to programs -- tracking ~~sensory impaired~~ children *who are deaf or hard of hearing or blind* -- fee.** (1) The Montana school for the deaf and blind is a residential and day school for children and adolescents who are deaf *or hard of hearing* or blind or whose hearing or sight ~~is so defective that they cannot be successfully taught and are unable to receive a sufficient or proper education in the public schools of the state~~ *requires specialized support to develop their full educational potential*.

(2) The school shall serve as a consultative resource for parents of ~~hearing impaired~~ *deaf or hard-of-hearing* and visually impaired children not yet enrolled in an educational program and for public schools of the state ~~where hearing impaired~~ *in which deaf or hard-of-hearing* or visually impaired children are enrolled. The school upon request shall ensure that services and programs for ~~hearing impaired~~ *deaf or hard-of-hearing* or visually impaired children are appropriate and sufficient. The school may provide assistance to the programs that the school determines is needed. The school may collect a reasonable fee for the assistance from the public school or other responsible agency receiving the assistance.

(3) The school shall establish a system for tracking a child identified as *deaf or hard of hearing* ~~hearing impaired~~ or visually impaired from the time of ~~impairment~~ identification *as a child with a disability* through the child's exit from intervention or educational services.

(4) The object and purpose of the school are to furnish and provide, by the use of specialized methods and systems, an education for the ~~hearing impaired~~ *deaf or hard-of-hearing* and visually impaired children of this state that is commensurate with the education provided to ~~nonhandicapped~~ children *who are not deaf or hard of hearing or blind* in the public schools and that will enable children being served by the school to become independent and self-sustaining citizens."

Section 4. Section 20-8-104, MCA, is amended to read:

"**20-8-104. Eligibility of children for admittance.** In order to be eligible for services from the Montana school for the deaf and blind, a child may not yet have reached 22 years of age and must be identified ~~as deaf, hearing impaired, or visually impaired~~ *under a category of disability related to hearing or vision* pursuant to the Individuals With Disabilities Education Act, 20 U.S.C. 1414."

Section 5. Section 20-8-107, MCA, is amended to read:

"**20-8-107. Admission of nonresident children and advance payment of cost -- Indian children.** (1) ~~Hearing impaired~~ *Deaf or hard-of-hearing* or visually impaired children who are not residents of the state of Montana may be admitted to the Montana school for the deaf and blind after proper application for admission, subject to all eligibility requirements prescribed for children who are residents of the state if:

(a) the school is paid in advance a sum of money for each child equal to an estimate of the whole per capita cost of maintaining the school during the year immediately preceding the date of the application; and

(b) the full capacity of the school is not required for children who are residents of the state.

(2) The Montana school for the deaf and blind is authorized to negotiate with an out-of-state educational institution to place a student at the school. If a group of out-of-state students attends the Montana school for the deaf and blind, the educational institution of the other state shall pay in advance to the Montana school for the deaf and blind an amount of money for each student determined as a result of a negotiated agreement between the superintendent of the Montana school for the deaf and blind and the out-of-state educational institution. The agreement must be approved by the board of public education.

(3) Indian children who are Montana residents are eligible for admission and must be admitted to the school on the same terms as residents.

(4) The money paid by an out-of-state institution must be deposited in a state special revenue account and is statutorily appropriated, pursuant to 17-7-502, to the Montana school for the deaf and blind for educational purposes.

(5) The provisions of 17-2-108 that require the expenditure of nongeneral fund money prior to the expenditure of general fund money do not apply to the expenditure of revenue made available to the Montana school for the deaf and blind from the negotiated agreements described in subsection (2) of this section and through the statutory appropriation provided for in subsection (4) of this section."

Section 6. Section 20-8-116, MCA, is amended to read:

"**20-8-116. Employment placement -- continuing education.** (1) The superintendent of the Montana school for the deaf and blind or the superintendent's designee shall assist in locating suitable employment for ~~hearing impaired~~ *deaf or hard-of-hearing* or visually impaired persons in attendance at the school. The superintendent or the superintendent's designee shall:

(a) consult with various county, state, and federal agencies and with the department of public health and human services to secure employment for self-sustaining persons; and

(b) coordinate work with federal programs, such as social security and reemployment for those out of work, as required by this part.

(2) The superintendent or the superintendent's designee, may, within funding limitations, develop and offer continuing education programs of a vocational nature for the ~~hearing impaired~~ *deaf or hard of hearing* and visually impaired who use the campus and facilities of the school during the summer months and other times when the school's facilities are not being used by its students."

Section 7. Section 33-22-128, MCA, is amended to read:

"**33-22-128. Coverage for children ~~with hearing loss~~ *who are deaf or hard of hearing* -- definitions.** (1) Health insurance coverage sold in the group or individual market in this state must provide coverage for diagnosis and treatment of ~~hearing loss~~ *various auditory ranges* for a covered child 18 years of age or younger in accordance with subsection (2).

(2) (a) Except as provided in subsection (2)(b), coverage under this section, in addition to diagnosis, must include treatment that is:

(i) a medical necessity; and

(ii) prescribed, provided, or ordered by a licensed health care provider to treat ~~hearing loss~~ *various auditory ranges* of the covered child.

(b) Treatment may not include more than one hearing device with required accessories or amplification device with required accessories for each ear every 3 years or as required by an audiologist licensed under Title 37, chapter 15.

(3) Benefits provided under this section may not be construed as limiting physical health benefits that are otherwise available to the covered child.

(4) (a) Coverage under this section may be subject to deductibles, coinsurance, and copayment provisions and utilization review as provided in Title 33, chapter 32.

(b) Special deductible, coinsurance, copayment, or other limitations that are not generally applicable to other medical care covered under the plan may not be imposed on the coverage under this section.

(5) This section also applies to the state employee group insurance program, the university system employee group insurance program, any employee group insurance program of a city, town, school district, or other political subdivision of this state, and any self-funded multiple employer welfare arrangement that is not regulated by the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001, et seq.

(6) This section does not apply to disability income, hospital indemnity, medicare supplement, accident-only, vision, dental, specific disease, or long-term care policies.

(7) As used in this section, the following definitions apply:

(a) "Amplification device" means a hearing device, hearing aid, or wearable, nondisposable, nonexperimental instrument or device designed to aid or compensate for ~~impaired human hearing~~ *various auditory ranges* and any parts, attachments, or accessories for the instrument or device, including an ear mold but excluding batteries and cords.

(b) "Generally accepted standards of medical practice" means standards that are based on credible scientific evidence published in peer-reviewed medical literature generally recognized by the relevant medical community, physician specialty society recommendations, the view of physicians practicing in relevant clinical areas, and any other relevant factors.

(c) "Health care provider" means an individual licensed under Title 37, chapter 3, 15, or 20. A nurse practitioner licensed under Title 37, chapter 8, also is a health care provider for the purposes of this section.

~~(d) "Hearing loss" means a disruption in the normal hearing process that may occur in the outer, middle, or inner ear, whereby sound waves are not converted to electrical signals and nerve impulses are not transmitted to the brain to be interpreted.~~

~~(e)~~*(d)* "Medical necessity" means health care services that a physician, exercising prudent clinical judgment, would provide to a patient for the purpose of preventing, evaluating, diagnosing, or treating an illness, injury, disease, or its symptoms, and that are:

(i) in accordance with generally accepted standards of medical practice;

(ii) clinically appropriate, in terms of type, frequency, extent, site, and duration, and considered effective for the patient's illness, injury, or disease;

(iii) not primarily for the convenience of the patient, physician, or other health care provider; and

(iv) not more costly than an alternative service or sequence of services at least as likely to produce equivalent therapeutic or diagnostic results as to the diagnosis or treatment of that patient's illness, injury, or disease.

(e) "Various auditory ranges" means a diversity in the hearing process that may occur in the outer, middle, or inner ear, whereby sound waves are not converted to electrical signals and nerve impulses are not transmitted to the brain to be interpreted."

Section 8. Section 37-16-102, MCA, is amended to read:

"**37-16-102. Definitions.** Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.

(2) "Licensed hearing aid dispenser" is an individual who orders, fits, sells, and dispenses prescription hearing aids.

(3) "Over-the-counter hearing aid" has the definition specified in 21 CFR 800.30 in effect on January 1, 2023.

(4) "Permanent place of business" means the primary site in this state at which a person licensed under this chapter conducts testing and fitting of prescription hearing aids and related devices.

(5) "Practice of ordering, selling, dispensing, and fitting prescription hearing aids" means the evaluation or measurement of the powers or range of human hearing by means of an audiometer and a visual examination of the ear and canal or by any other means devised and the consequent ordering, selection, adaption, sale, dispensing, or fitting of prescription hearing aids

intended to compensate for ~~hearing loss~~ *various auditory ranges*, including eyeglass prescription hearing aids and their fittings, and the making of an impression of the ear and the subsequent selection of a proper ear mold, but does not include batteries, cords, or accessories.

(6) "Prescription hearing aid" has the definition specified in 21 CFR 801.422 in effect on January 1, 2023. The term does not include an over-the-counter hearing aid.

(7) "Various auditory ranges" means a diversity in the hearing process that may occur in the outer, middle, or inner ear, whereby sound waves are not converted to electrical signals and nerve impulses are not transmitted to the brain to be interpreted."

Section 9. Section 49-4-501, MCA, is amended to read:

"**49-4-501. Policy.** It is the policy of this state to secure the constitutional rights of deaf *or hard-of-hearing* persons who~~, because of impairment of hearing or speech, are unable~~ *may require accommodations* to readily understand or communicate spoken language and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them."

Section 10. Section 49-4-502, MCA, is amended to read:

"**49-4-502. Definitions.** As used in this part, the following definitions apply:

(1) "Appointing authority" means the presiding judge or justice of any court, the presiding officer of any board, commission, or authority, the director or commissioner of any department or agency, or any other person presiding at any hearing or other proceeding in which a qualified interpreter is required pursuant to this part.

(2) "Deaf person" means a person ~~whose hearing is totally impaired or whose hearing is so seriously impaired as to prohibit the person from understanding oral communications. The term further includes but is not limited to a person who, because of loss of hearing, cannot communicate spoken language whose ears do not convert sound waves to electrical signals and nerve impulses that are then transmitted to the brain to be interpreted and who requires accommodation to understand oral communications~~ *with a diversity in the hearing process that may occur in the outer, middle, or inner ear, whereby sound waves are not converted to electrical signals and nerve impulses are not transmitted to the brain to be interpreted.*

(3) "Intermediary interpreter" means a knowledgeable deaf person who, because of the person's intimate acquaintance with deaf persons who use mainly natural gestures for communicating, can be used as an intermediary between the deaf person and a qualified interpreter.

(4) "Principal party in interest" means a person who is a named party in any proceeding or who will be directly affected by the decision or action that may be made or taken.

(5) "Qualified interpreter" means an interpreter listed by the department of public health and human services as provided in 49-4-507."

Section 11. Section 49-4-602, MCA, is amended to read:

"**49-4-602. Definitions.** As used in this part, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Anatomical gift" means a donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation or transfusion.

(2) "Auxiliary aids or services" means an aid or service that is used to provide information to a person with a cognitive, developmental, intellectual, neurological, or physical disability and is available in a format or manner that allows the person to better understand the information. An auxiliary aid or service may include:

(a) qualified interpreters or other effective methods of making aurally delivered materials available to persons ~~with hearing impairments~~ *who are deaf or hard of hearing*;

(b) qualified readers, taped texts, texts in accessible electronic format, or other effective methods of making visually delivered materials available to persons with visual impairments; and

(c) supported decisionmaking services, including:

(i) the use of a support individual to communicate information to the person with a disability, ascertain the wishes of the person, or assist the person in making decisions;

(ii) the disclosure of information to a legal guardian, authorized representative, or another individual designated by the person with a disability for that purpose, as long as the disclosure is consistent with state and federal law, including the federal Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. 1320d, et seq., and any regulations promulgated by the United States department of health and human services to implement the act;

(iii) if a person who has a disability has a court-appointed guardian or other individual responsible for making medical decisions on behalf of the person, any measures used to ensure that the person is included in decisions involving the person's health care and that medical decisions are in accordance with the person's own expressed interests; and

(iv) any other aid or service that is used to provide information in a format that is easily understandable and accessible to people with cognitive, neurological, developmental, or intellectual disabilities, including assistive communication technology.

(3) "Covered entity" means:

(a) a licensed provider of health care services, including licensed health care practitioners, hospitals, nursing facilities, laboratories, intermediate care facilities, psychiatric residential treatment facilities, institutions for individuals with intellectual or developmental disabilities, and prison health centers; or

(b) an entity responsible for matching anatomical gift donors to potential recipients.

(4) "Disability" means:

(a) a physical or intellectual impairment that substantially limits one or more of a person's major life activities;

(b) a record of such an impairment; or

(c) being regarded as having such an impairment.

(5) "Organ transplant" means the transplantation or transfusion of a part of a human body into the body of another for the purpose of treating or curing a medical condition.

(6) "Qualified recipient" means a person who has a disability and meets the essential eligibility requirements for the receipt of an anatomical gift with or without any of the following:

(a) individuals or entities available to support and assist the person with an anatomical gift or transplantation;

(b) auxiliary aids or services; or

(c) reasonable modifications to the policies, practices, or procedures of a covered entity, including modifications to allow for:

(i) communication with one or more individuals or entities available to support or assist with the recipient's care and medication after surgery or transplantation; or

(ii) consideration of support networks available to the person, including family, friends, and home and community-based services, including home and

community-based services funded through medicaid, medicare, another health plan in which the person is enrolled, or any program or source of funding available to the person when determining whether the person is able to comply with posttransplant medical requirements."

Section 12. Section 53-19-401, MCA, is amended to read:

"**53-19-401. Purpose.** The purposes of this part are:

(1) to provide early ~~detection of hearing loss in~~ *identification of* newborn infants *who may be deaf or hard of hearing* as soon after birth as possible to enable children, their families, and primary health care providers to obtain any necessary multidisciplinary evaluation, audiologic assessment, treatment, and intervention services at the earliest opportunity and to prevent or mitigate the developmental delays and academic failures associated with late identification ~~of hearing loss~~; and

(2) to provide the state with the necessary information to effectively plan, establish, and evaluate a comprehensive system of appropriate services for infants and children who are deaf or ~~hard-of-hearing~~ *hard of hearing*."

Section 13. Section 53-19-402, MCA, is amended to read:

"**53-19-402. Statewide universal newborn hearing screening, tracking, and intervention program.** (1) There is a universal newborn hearing screening program in the department of public health and human services. The department shall implement the program to ensure a hearing screening test for all newborn infants ~~for identification of newborn infant hearing loss~~ *to identify infants who may be deaf or hard of hearing*. The department shall implement the program to ensure newborn hearing screening tests are completed before discharge from a hospital or no later than 1 month after birth.

(2) The department shall adopt rules to:

(a) ensure that each licensed hospital, health care facility, or health care provider providing obstetric services:

(i) complete newborn hearing screenings for all infants before discharge or no later than 1 month after birth and report the results to each infant's primary care provider, including any recommendation for audiologic assessment for an infant with two failed hearing screenings; and

(ii) provide required education regarding hearing screenings ~~and hearing loss~~;

(b) ensure monitoring of all babies screened in Montana and referred for audiologic assessment to ensure that they receive an audiologic assessment by 3 months of age;

(c) establish newborn hearing screening protocols that are objective and physiologically based;

(d) establish education protocols;

(e) establish reporting requirements that are related to newborn infant hearing screening, recommendation for audiologic assessment, and audiologic assessment results; and

(f) ensure the electronic sharing of audiologic evaluation information of infants diagnosed as deaf or ~~hard-of-hearing~~ *hard of hearing* with the Montana school for the deaf and blind, pursuant to the school's responsibility for intervention tracking as provided in 20-8-102.

(3) The department shall assist each licensed hospital, health care facility, or health care provider providing obstetric services in developing systems for reporting and in accessing funds to purchase hearing screening equipment by providing information on funding sources known to the department.

(4) The department may accept contributions, gifts, grants, or endowments from public or private sources for the use and benefit of this program."

Approved May 1, 2025

CHAPTER NO. 238

[HB 193]

AN ACT REQUIRING A SIGNATURE FOR VOTER REGISTRATION CANCELLATION; AMENDING SECTION 13-2-402, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 13-2-402, MCA, is amended to read:

"**13-2-402. Reasons for cancellation.** The election administrator shall cancel the registration of an elector if:

(1) the elector submits a *signed* written request for cancellation;

(2) a certificate of the death of the elector is filed or if the elector is reported to the election administrator as deceased by the department of public health and human services in the department's reports submitted to the county under 50-15-409 or through a newspaper obituary;

(3) the elector is of unsound mind as established by a court;

(4) the incarceration of the elector in a penal institution for a felony conviction is legally established;

(5) a certified copy of a court order directing the cancellation is filed with the election administrator;

(6) a notice is received from the secretary of state or from another county or state that the elector has registered in another county or state;

(7) the elector:

(a) fails to respond to certain confirmation mailings;

(b) is placed on the inactive list; and

(c) then fails to vote in two consecutive federal general elections; or

(8) the elector fails to meet any voter qualification that is listed in 13-1-111."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved May 1, 2025

CHAPTER NO. 239

[HB 201]

AN ACT REQUIRING PAID SIGNATURE GATHERERS TO DISCLOSE THEIR STATUS AND TO PROVIDE THEIR STATE OF LEGAL RESIDENCE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Paid signature gatherers -- disclosure requirements. A paid signature gatherer, as defined in 13-27-112, shall verbally disclose their first name, the state in which they legally reside, and their status as a paid signature gatherer to anyone they approach about signing a petition. The paid signature gatherer shall also wear a badge stating this information, including their full first name and last initial.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 13, chapter 27, and the provisions of Title 13, chapter 27, apply to [section 1].

Section 3. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 4. Effective date. [This act] is effective on passage and approval.

Approved May 1, 2025

CHAPTER NO. 240

[HB 208]

AN ACT ALLOWING A MUNICIPALITY TO REGULATE UNAUTHORIZED CAMPING ON PUBLIC PROPERTY OR FACILITIES; AND AMENDING SECTION 7-1-4124, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 7-1-4124, MCA, is amended to read:

"**7-1-4124. Powers.** A municipality with general powers has the power, subject to the provisions of state law, to:

(1) enact ordinances and resolutions;

(2) except as provided in 7-5-103(2)(d)(iv) and 7-5-121(2)(c)(iv), sue and be sued;

(3) buy, sell, mortgage, rent, lease, hold, manage, or dispose of any interest in real or personal property;

(4) contract with persons, corporations, or any other governmental entity;

(5) pay debts and expenses;

(6) borrow money;

(7) solicit and accept bequests, donations, or grants of money, property, services, or other advantages and comply with any condition that is not contrary to the public interest;

(8) execute documents necessary to receive money, property, services, or other advantages from the state government, the federal government, or any other source;

(9) make grants and loans of money, property, and services for public purposes;

(10) require the attendance of witnesses and production of documents relevant to matters being considered by the governing body;

(11) hire, direct, and discharge employees and appoint and remove members of boards;

(12) ratify any action of the municipality or its officers or employees that could have been approved in advance;

(13) have a corporate seal and flag;

(14) acquire by eminent domain, as provided in Title 70, chapter 30, any interest in property for a public use authorized by law;

(15) initiate a civil action to restrain or enjoin violation of an ordinance;

(16) enter private property, obtaining warrants when necessary, for the purpose of enforcing ordinances that affect the general welfare and public safety;

(17) conduct a census;

(18) conduct inventories of public property and preparatory studies;

(19) condemn and demolish hazardous structures;

(20) purchase insurance and establish self-insurance plans;

(21) impound animals and other private property creating a nuisance or obstructing a street or highway;

(22) establish quarantines;

(23) classify all violations of city ordinances as civil infractions, with civil penalties, as provided in 7-1-4150; ~~and~~

(24) exercise powers not inconsistent with law necessary for effective administration of authorized services and functions*; and*

(25) prohibit or otherwise regulate:

(a) temporarily or permanently storing personal property on municipal real property; and

(b) sleeping or camping on or otherwise inhabiting municipal real property."

Approved May 1, 2025

CHAPTER NO. 241

[HB 217]

AN ACT TRANSFERRING THE STATE BUILDING ENERGY CONSERVATION PROGRAM FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO THE ARCHITECTURE AND ENGINEERING DIVISION OF THE DEPARTMENT OF ADMINISTRATION; ALLOWING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO RETAIN CERTAIN FEDERAL FUNDING; AMENDING SECTIONS 90-4-602, 90-4-605, 90-4-607, 90-4-615, 90-4-616, AND 90-4-617, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 90-4-602, MCA, is amended to read:

"**90-4-602. Definitions.** As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Board" means the board of examiners provided for in 2-15-1007.

(2) "Cost" includes the expenses related to planning, design, construction, and installation of energy conservation improvements and any administrative expenses of the ~~department~~ *division* incurred in the performance of its duties under the energy conservation program.

(3) ~~"Department"~~ *"Division"* means the ~~department of environmental quality~~ *architecture and engineering division of the department of administration* provided for in ~~2-15-3501~~ *17-7-201*.

(4) "Energy conservation program" means a program for the financing, acquisition, construction, and installation of alternative energy systems, as defined in 15-32-102, or equipment, systems, and improvements in state-owned buildings, structures, and facilities that save energy or water.

(5) "Energy conservation program bonds" includes all series of bonds issued to finance any portion of the energy conservation program.

(6) "Energy cost savings" means the savings in utility costs to a state agency as a result of an energy conservation program.

(7) "Participating state agency" means, for a state-owned building, structure, or facility, the state agency that pays for the utilities for that building.

(8) "State agency" means:

(a) each executive, legislative, or judicial branch department, office, or agency;

(b) the university system; and

(c) a community college district."

Section 2. Section 90-4-605, MCA, is amended to read:

"**90-4-605. Preparation of energy conservation program.** (1) The ~~department~~ *division* shall identify buildings that have a potential for energy savings, based on age, energy use, function, and condition of the building. ~~Upon~~ *On* request of the ~~department~~ *division*, a state agency shall provide the ~~department~~ *division* with information necessary to allow the ~~department~~ *division* to comply with this requirement.

(2) Based on the criteria in subsection (1) and on the feasibility of leveraging other funds, such as federal and utility energy conservation program money, the ~~department~~ *division* shall select certain facilities for indepth energy analyses to identify the technical and financial feasibility of making energy conservation improvements to the facilities.

(3) (a) ~~Upon~~ *On* completion of the energy analyses, the ~~department~~ *division* shall identify estimated costs and savings to the state based on these analyses.

(b) The ~~department~~ *division* shall ~~notify the department of administration of~~ *identify* each project for which:

(i) for projects to be funded with bond proceeds, the estimated savings are determined to be greater than the bond payment costs; and

(ii) for projects to be funded from the general fund or the energy conservation capital projects account, the estimated savings are determined to be greater than the cost of the project plus annual interest payments of 3% of the unpaid balance of the cost of the project.

(c) ~~Upon receipt of the notification, the department of administration~~ *The division* shall implement a design and construction project using bond proceeds or funds from the general fund or the energy conservation capital projects account established in 90-4-617 for the costs of the project.

(4) The ~~department~~ *division* shall compile a report that must include the following:

(a) a listing of contacts between the ~~department~~ *division* and other state agencies;

(b) a summary of the ~~department's~~ *division's* review of agency requests and a selection of projects for indepth analysis;

(c) a summary of the energy analyses conducted by the ~~department~~ *division*, including the estimated cost of each proposed project and the estimated energy cost savings of each proposed project; and

(d) a listing of additional projects under consideration, for which energy analyses have not been conducted.

(5) The ~~department~~ *division* shall submit the report required by subsection (4) to the governor before September 1 of each even-numbered year."

Section 3. Section 90-4-607, MCA, is amended to read:

"**90-4-607. Duties of ~~department~~ *division*.** In addition to the duties set forth in 90-4-605, the ~~department~~ *division* is authorized to:

(1) analyze state utility data to identify high-potential energy conservation projects;

(2) perform comprehensive energy analyses on state-owned buildings, structures, and facilities, contracting with private engineers when necessary;

~~(3) transfer funds and authority to the department of administration to:~~

~~(a)~~*(3)* procure design and construction of cost-effective energy improvements; ~~and~~

~~(b)~~*(4)* transfer funds and authority to other agencies to procure, design, and construct cost-effective energy improvements; and

~~(4)~~*(5)* train facility maintenance staff in energy saving techniques and maintenance of energy improvements and monitor energy conservation projects to ensure that cost savings are realized and are adequate to cover the debt service if bonds have been issued to fund the improvements."

Section 4. Section 90-4-615, MCA, is amended to read:

"**90-4-615. Energy conservation repayment account.** (1) There is an energy conservation repayment account in the state special revenue fund established in 17-2-102.

(2) There must be deposited in the energy conservation repayment account:

(a) the amount of energy costs saved as a result of energy conservation projects in state buildings, facilities, or structures using appropriations from the energy conservation capital projects account or the general fund for the energy conservation program;

(b) interest earned on the account;

(c) interest earned on the energy conservation capital projects account created in 90-4-617; and

(d) funds transferred to the account by the legislature.

(3) Money in the energy conservation repayment account is available to the ~~department of environmental quality~~ *division* by appropriation to fund the costs of the energy conservation program for:

(a) conducting energy analysis;

(b) data collection and analysis;

(c) program administration and oversight; and

(d) monitoring the results of state building energy conservation projects.

(4) If the unencumbered funds in the account at the end of a biennium exceed $2 million, the ~~department~~ *division* shall transfer to the energy conservation capital projects account the amount of funds in excess of $2 million."

Section 5. Section 90-4-616, MCA, is amended to read:

"**90-4-616. Transfer of energy savings from projects.** (1) In preparing the executive budget each biennium, for each state agency participating in the energy conservation program by using appropriations from the general fund or the energy conservation capital projects account created in 90-4-617, the governor shall include an estimate of the energy cost savings expected for that agency in each year of the biennium.

(2) Each session, the legislature shall review the governor's submission pursuant to 90-4-606 and subsection (1) of this section and, unless the legislature disapproves, shall include in the general appropriations act authority for each participating state agency, *subject to [section 6],* to transfer funds in an amount equal to the agency's estimated energy cost savings to the energy conservation repayment account established in 90-4-615. *Except as provided in [section 6],* ~~These~~ *these* transfers must continue until the cost of the project, including energy analysis, acquisition and installation costs of energy saving equipment or systems, and the cost of the construction of improvements in state buildings, facilities, or structures, plus annual interest payments of 3% of the unpaid balance of the cost of the project, has been paid into the energy conservation repayment account.

(3) The current level utility appropriations of state agencies participating in the energy conservation program must be reduced by the sum of the amounts approved to be transferred pursuant to subsection (2).

(4) ~~Upon~~ *On* request of the ~~department~~ *division*, each participating state agency shall transfer the amounts approved pursuant to subsection (2)."

Section 6. Grandfathering -- retention of funds. (1) The department of environmental quality shall retain federal American Recovery and Reinvestment Act funds allocated in accordance with Chapter 478, Laws of 2009, to the state energy building conservation program, including:

(a) transfers after July 1, 2025, made by participating state agencies pursuant to 90-4-616 for the unpaid balance of projects funded with federal American Recovery and Reinvestment Act funds;

(b) interest payments pursuant to 90-4-616 on projects funded with federal American Recovery and Reinvestment Act funds; and

(c) interest earned on short-term investment pool investments of federal American Recovery and Reinvestment Act funds.

(2) The department of environmental quality may use the funds for activities consistent with applicable federal requirements and in accordance with guidance provided by the federal department of energy for the repurposing of funds.

Section 7. Section 90-4-617, MCA, is amended to read:

"**90-4-617. Energy conservation capital projects account.** (1) There is an energy conservation capital projects account in the capital projects fund type established in 17-2-102.

(2) There must be deposited in the account:

(a) money transferred from the energy conservation repayment account; and

(b) other amounts transferred to the account by the legislature.

(3) Money in the account is available to the ~~department~~ *division* by appropriation and must be used to pay the costs of the acquisition, installation, and construction of energy saving equipment, systems, or improvements in state buildings, facilities, or structures."

Section 8. Codification instruction. [Section 6] is intended to be codified as an integral part of Title 90, chapter 4, part 6, and the provisions of Title 90, chapter 4, part 6, apply to [section 6].

Section 9. Coordination instruction. If both House Bill No. 47 and [this act] are passed and approved and if both contain a section that amends 90-4-605, then the sections amending 90-4-605 are void and 90-4-605 must be amended as follows:

"90-4-605. Preparation of energy conservation program. (1) The ~~department~~ *division* shall identify buildings *or building systems* that have a potential for energy savings, based on age, energy use, function, and condition of the building. ~~Upon~~ *On* request of the ~~department~~ *division*, a state agency shall provide the ~~department~~ *division* with information necessary to allow the ~~department~~ *division* to comply with this requirement.

(2) Based on the criteria in subsection (1) and on the feasibility of leveraging other funds, such as federal and utility energy conservation program money, the ~~department~~ *division* shall select certain facilities for ~~indepth~~ *in-depth* energy analyses to identify the technical and financial feasibility of making energy conservation improvements to the facilities.

(3) (a) ~~Upon~~ *On* completion of the energy analyses, the ~~department~~ *division* shall identify estimated costs and savings to the state based on these analyses.

(b) The ~~department~~ *division* shall ~~notify the department of administration of~~ *identify* each project for which~~:~~

~~(i) for projects to be funded with bond proceeds, the estimated savings are determined to be greater than the bond payment costs; and~~

~~(ii) for projects to be funded from the general fund or the energy conservation capital projects account, the estimated savings are determined to be greater than the cost of the project plus annual interest payments of 3% of the unpaid balance of the cost of the project~~ *the estimated savings are determined to be greater than the cost of the project plus annual interest payments on the unpaid balance of the cost of the project*.

(c) ~~Upon receipt of the notification, the department of administration~~ *The division* shall implement a design and construction project using ~~bond proceeds or~~ funds from the general fund or the energy conservation capital projects account established in 90-4-617 for the costs of the project.

(4) The ~~department~~ *division* shall compile a report that must include the following:

(a) a listing of contacts between the ~~department~~ *division* and other state agencies;

(b) a summary of the ~~department's~~ *division's* review of agency requests and a selection of projects for ~~indepth~~ *in-depth* analysis;

(c) a summary of the energy analyses conducted by the ~~department~~ *division*, including the estimated cost of each proposed project and the estimated energy cost savings of each proposed project; and

(d) a listing of additional projects under consideration, for which energy analyses have not been conducted.

(5) The ~~department~~ *division* shall submit the report required by subsection (4) to the governor before September 1 of each even-numbered year.

(6) The division shall set the annual interest rate for projects funded by the energy conservation program by July 1 of each year. The annual interest rate may not exceed 3%. The division may set the annual interest rate to cover administrative costs of the program."

Section 10. Coordination instruction. If both House Bill No. 47 and [this act] are passed and approved and if both contain a section that amends 90-4-607, then the sections amending 90-4-607 are void and 90-4-607 must be amended as follows:

"90-4-607. Duties of ~~department~~ *division*. In addition to the duties set forth in 90-4-605, the ~~department~~ *division* is authorized to:

(1) analyze state utility data to identify high-potential energy conservation projects;

(2) perform comprehensive energy analyses on state-owned buildings, structures, and facilities, contracting with private engineers when necessary;

~~(3) transfer funds and authority to the department of administration to:~~

~~(a)~~*(3)* procure, design, and ~~construction of~~ *construct* cost-effective energy improvements; ~~and~~

~~(b)~~*(4)* transfer funds and authority to other agencies to procure, design, and construct cost-effective energy improvements; and

~~(4)~~*(5)* train facility maintenance staff in energy saving techniques and maintenance of energy improvements and monitor energy conservation projects to ensure that cost savings are realized ~~and are adequate to cover the debt service if bonds have been issued to fund the improvements~~."

Section 11. Effective date. [This act] is effective July 1, 2025.

Approved May 1, 2025

CHAPTER NO. 242

[HB 226]

AN ACT ESTABLISHING THE LEGAL EMPLOYMENT AND GOVERNMENT ACCOUNTABILITY LAW; PROVIDING DEFINITIONS; REQUIRING EMPLOYER VERIFICATION OF LEGAL ABILITY TO WORK IN THE UNITED STATES OF ALL EMPLOYEES PRIOR TO COMMENCEMENT OF WORK; AUTHORIZING THE DEPARTMENT OF LABOR AND INDUSTRY TO ENFORCE THE ACT; PROVIDING FOR PENALTIES FOR VIOLATION; ESTABLISHING A STATE SPECIAL REVENUE ACCOUNT FOR PENALTIES; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Short title. [Sections 1 through 8] may be referred to as the "Legal Employment and Government Accountability Law".

Section 2. Definitions. As used in [sections 1 through 8], the following definitions apply:

(1) "Commissioner" means the commissioner of labor and industry as provided in 2-15-1701 or the commissioner's designee.

(2) "Department" means the department of labor and industry as provided in 2-15-1701.

(3) "Employee" has the meaning provided in 39-71-118.

(4) "Employer" has the meaning provided in 39-71-117.

(5) "E-Verify program" means the federal electronic work authorization verification service provided by the United States department of homeland security pursuant to the federal Basic Pilot Program Extension and Expansion Act of 2003, Public Law 108-156, or any successor program.

(6) "Government entity" means a department, commission, council, board, agency, county, consolidated city-county government, city, or town.

(7) "License" means a certificate, approval, registration, or similar form of permission issued by a government entity with respect to business, professional, or occupational licensure.

Section 3. Employer verification of employee. (1) Within the timelines established by 8 CFR 274a.2, an employer shall request and maintain a copy of either of the following:

(a) the citizenship or work authorization status that has been verified by the United States citizenship and immigration services' E-Verify program; or

(b) a completed form I-9 with corresponding documents that establish both identity and employment authorization.

(2) An employer who has utilized the E-Verify system to determine the employment eligibility of an employee is presumed to have done so in good faith and is not subject to a penalty because of the reliance on the accuracy of the E-Verify system.

Section 4. Enforcement -- investigations -- rulemaking -- enforcement without prejudice -- compliance with federal immigration law. (1) The department shall enforce the provisions of [sections 1 through 8] and may perform an investigation, audit, or review necessary to determine whether an employer has violated a provision of [sections 1 through 8] or a rule promulgated by the department to implement [sections 1 through 8].

(2) The department shall adopt rules for the purpose of carrying out the provisions of [sections 1 through 8].

(3) Nothing in [sections 1 through 8] may be construed to abrogate any obligations by an employer to comply with federal immigration law, including but not limited to the proper completing and maintaining of federal employment eligibility verification forms or documents.

Section 5. Books, records, and payrolls open to inspection -- penalty for refusal -- subpoenas. (1) The books, records, and payrolls of an employer pertinent to the administration of this chapter must be open to inspection by the department or an authorized employee of the department on 3 business days' notice for the purpose of ascertaining adherence to the provisions of [section 3]. Refusal on the part of an employer to submit the books, records, and payrolls for inspection must subject the offending employer to a penalty not exceeding $500 for each offense.

(2) In addition to the remedy provided in subsection (1), the department may issue subpoenas and compel testimony to produce evidence, including books, records, papers, documents, and other objects that may be necessary and proper regarding an investigation or proceeding under this part. In case of disobedience of a subpoena issued and served or the refusal of a witness to testify as to a matter for which the witness may be interrogated in a proceeding

before the department, the department may apply to a district court for an order to compel compliance with the subpoena or testimony. Disobedience of the court's order constitutes contempt of court.

Section 6. Civil penalties for violation. (1) The department may assess civil penalties against an employer violating the provisions of [sections 1 through 8], or when appropriate, inform the proper government entity to suspend a license as follows:

(a) for a first violation, the penalty may not be more than $500 for each individual employed, hired, or recruited in violation of [section 3];

(b) for a second violation, the penalty may not be more than $1,000 for each individual employed, hired, or recruited in violation of [section 3]; and

(c) for a third or subsequent violation, the appropriate government entity shall immediately on notification suspend the violator's license or licenses for not less than 30 days or more than 6 months, and a fine must be assessed that may not be more than $2,500 for each individual employed, hired, or recruited in violation of [section 3].

(2) A hearing must be conducted according to contested case procedures under Title 2, chapter 4, part 6, except that service need not be made as prescribed for civil actions in the district court and the hearings officer is not bound by statutory or common-law rules of evidence.

(3) A penalty collected under this section must be deposited in the lawful employment enforcement fund established in [section 8].

Section 7. Interpretation as fully consistent with federal immigration and labor laws. [Sections 1 through 8] must be interpreted to be fully consistent with all federal laws, including but not limited to federal laws regulating immigration and labor.

Section 8. Lawful employment enforcement fund. (1) There is a lawful employment enforcement fund account in the state special revenue fund established in 17-2-102.

(2) There must be paid into the account money collected pursuant to 39-2-305 and [section 6].

(3) Money in the account is available to the department of labor and industry by appropriation and may only be used by the department to implement and administer the purposes set forth in [sections 1 through 8], including but not limited to enforcement and education.

(4) Interest and income earned on the account and any unspent or unencumbered money in the account at the end of a fiscal year must remain in the account.

Section 9. Codification instruction. [Sections 1 through 8] are intended to be codified as a new part in Title 39, chapter 2, and the provisions of Title 39, chapter 2, apply to [sections 1 through 8].

Section 10. Effective date. [This act] is effective July 1, 2025.

Approved May 1, 2025

CHAPTER NO. 243

[HB 251]

AN ACT GENERALLY REVISING PUBLIC CHARTER SCHOOL LAWS; PROVIDING A DEFINITION FOR PUBLIC CHARTER SCHOOL DISTRICT; CLARIFYING THE AUTHORITY OF A PUBLIC CHARTER SCHOOL DISTRICT; REQUIRING THE OFFICE OF PUBLIC INSTRUCTION TO PROVIDE A FISCAL ANALYSIS AS PART OF THE PUBLIC CHARTER

SCHOOL APPLICATION PROCESS; REQUIRING THE BOARD OF PUBLIC EDUCATION TO LIMIT THE COST OF NEW PUBLIC CHARTER SCHOOLS AND DISTRICTS AND TO PRIORITIZE THOSE PROPOSALS THAT EMPHASIZE PERSONALIZED AND PROFICIENCY-BASED LEARNING; REMOVING THE AUTHORITY OF THE BOARD OF PUBLIC EDUCATION TO WAIVE STATUTORY REQUIREMENTS IN CHARTER CONTRACTS; AUTHORIZING A PUBLIC CHARTER SCHOOL DISTRICT TO RECEIVE OTHER FORMS OF PUBLIC FUNDING AND DONATIONS UNDER THE INNOVATIVE EDUCATION TAX CREDIT PROGRAM; ESTABLISHING FINANCIAL OBLIGATIONS OF A CHILD'S RESIDENT SCHOOL DISTRICT FOR A PUBLIC CHARTER SCHOOL DISTRICT SERVING A CHILD WITH DISABILITIES; AMENDING SECTIONS 20-6-803, 20-6-805, 20-6-811, AND 20-6-812, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 20-6-803, MCA, is amended to read:

"**20-6-803. Definitions.** As used in this part, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Applicant" means a group of residents of the located school district or county of the located school district or the local school board of the located school district that submits a proposal for a public charter school to the board of public education.

(2) "Board of public education" means the board created by Article X, section 9(3), of the Montana constitution and 2-15-1507. For the purposes of public charter schools established under this part, the board of public education is the sole entity authorized to enter into charter contracts with a governing board.

(3) "Charter contract" means a fixed-term, renewable contract between a governing board of a public charter school and the board of public education that outlines the roles, powers, responsibilities, and performance expectations for each party to the contract.

(4) "Governing board" means the elected board of trustees of a public charter school district exercising supervision and control over a charter school or the local school board that is a party to the charter contract with the board of public education and that exercises supervision and control over a charter school pursuant to the charter contract.

(5) "Local school board" means a preexisting board of trustees exercising supervision and control of the schools and programs of a local school district pursuant to Article X, section 8, of the Montana constitution and the laws of the state of Montana.

(6) "Located school district" means the school district in which a proposed, preoperational, or operational public charter school is located and from which the separate boundaries of the charter school district are proposed to be formed. When a charter school district is formed, the boundaries of the charter school district are removed from the territory of the located school district.

(7) "Noncharter public school" means a public school that is under the supervision and control of a local school board or the state and is not operating under a charter contract pursuant to 20-6-806.

(8) "Parent" means a parent, guardian, or other person or entity having legal custody of a child.

(9) "Public charter school" means a public school that:

(a) has autonomy over decisions including but not limited to matters concerning finance, personnel, scheduling, curriculum, and instruction as defined in a charter contract;

(b) is governed by a local school board or, in the case of a governing board other than a local school board, by the governing board of the *public* charter school district of which the charter school is a part;

(c) is established and operated under the terms of a charter contract;

(d) allows parents choose to enroll their children;

(e) admits students on the basis of a lottery if more students apply for admission than can be accommodated;

(f) provides a program of education that may include any or all grades from kindergarten through grade 12 and vocational education programs;

(g) operates in pursuit of a specific set of educational objectives as defined in its charter contract;

(h) operates under the general supervision of the board of public education in accordance with its charter contract; and

(i) if the school is a high school, establishes graduation requirements and has authority to award degrees and issue diplomas.

(10) "Public charter school district" means a school district created pursuant to this part by the board of public education that is governed by a governing board that is not a local school board. A public charter school district:

(a) is a district for governing purposes only;

(b) is not a taxing jurisdiction;

(c) receives state funding as described in 20-6-812;

(d) is subject to Title 20, except as described in this part; and

(e) is not subject to the laws for district boundary changes or school opening under this chapter.

~~(10)~~*(11)* "Resident school district" means the public school district in which a student resides.

~~(11)~~*(12)* "Student" means a child who is eligible for attendance in a public school in the state."

Section 2. Section 20-6-805, MCA, is amended to read:

"**20-6-805. Public charter school proposal process.** (1) To solicit, encourage, and guide the development of public charter schools, the board of public education shall issue and broadly publicize a request for proposal ~~by October 1 in 2023 and~~ by June 1 ~~of each year thereafter~~ *annually*. The content and dissemination of the request for proposal must be consistent with the purposes and requirements of this part.

(2) The request for proposal must include:

(a) the criteria that will guide the board's decision to approve or deny a charter proposal;

(b) clear and detailed questions designed to gauge an applicant's capacity to establish and operate a successful public charter school, as well as guidelines concerning the format and content of an applicant's response to the request for proposal.

(3) A request for proposal must require applicants to describe thoroughly the following essential elements of their public charter school proposal:

(a) an executive summary;

(b) the mission and vision of the proposed public charter school, including identification of the targeted student population and the community the school proposes to serve;

(c) the school district in which the public charter school is proposed to be located and operate;

(d) the grades to be served each year for the full term of the charter contract;

(e) the minimum, planned, and maximum enrollment per year for the term of the charter contract;

(f) specific evidence:

(i) of significant community support for the proposed public charter school; and

(ii) for an applicant that is not a local school board:

(A) that the applicant has sought from the local school board the creation of a school or program of the located school district serving the mission and vision of the proposed public charter school;

(B) the local school board declined to create the school or program or submit to the board of public education a proposal for the creation of a public charter school consistent with the mission and vision of the proposed public charter school; and

(C) a legal description of the property of the existing school district from which the boundaries of the charter school district are proposed to be formed;

(g) for an applicant that is not a local school board, background information on the initial governing board members and, if identified, the proposed school leadership and management team;

(h) the proposed public charter school's proposed calendar and sample daily schedule;

(i) a description of the academic program, including:

(i) plans to formally assess student achievement on an annual basis; and

(ii) variances to existing standards that the proposed public charter school requires;

(j) a description of the proposed public charter school's instructional design, including the type of learning environment, class size and structure, curriculum overview, and teaching methods;

(k) the proposed public charter school's plans for identifying and successfully serving students with disabilities, students who are English language learners, students who are academically challenged, and gifted students, including but not limited to compliance with applicable laws and regulations;

(l) a description of cocurricular or extracurricular programs, if any, and how the programs will be funded and delivered;

(m) plans and timelines for student recruitment and enrollment, including lottery procedures;

(n) the proposed public charter school's student discipline policies, including those for special education students;

(o) an organizational chart that clearly presents the proposed public charter school's organizational structure, including lines of authority and reporting between the governing board, staff, related bodies such as advisory bodies or parent and teacher councils, and external organizations that will play a role in managing the school;

(p) a clear description of the roles and responsibilities for the governing board, the proposed public charter school's leadership and management team, and other entities shown in the organizational chart;

(q) a staffing chart for the proposed public charter school's first year and a staffing plan for the term of the charter;

(r) plans for recruiting and developing school leadership and staff;

(s) the proposed public charter school's leadership and teacher employment policies, including performance evaluation plans;

(t) proposed governing bylaws;

(u) explanations of any partnerships or contractual relationships central to the proposed public charter school's operations or mission;

(v) the proposed public charter school's plans for providing transportation, food service, and all other significant operational or ancillary services, if any;

(w) opportunities and expectations for parent involvement;

(x) a detailed school startup plan, identifying tasks, timelines, and responsible individuals;

(y) a description of the proposed public charter school's financial plan and policies, including financial controls and audit requirements;

(z) a description of the insurance coverage the proposed public charter school will obtain;

(aa) startup and 5-year budgets with clearly stated assumptions;

(bb) startup and first-year cash flow projections with clearly stated assumptions;

(cc) evidence of anticipated fundraising contributions, if claimed in the proposal; and

(dd) a sound facilities plan, including backup or contingency plans, if appropriate.

(4) If a public charter school proposal does not contain the elements required in subsection (3), the board shall consider the proposal incomplete and return the proposal to the applicant without taking further action.

(5) *(a)* In reviewing and evaluating charter proposals, the board shall employ procedures, practices, and criteria consistent with nationally recognized best practices, principles, and standards for the authorization of public charter schools. The proposal review process must include thorough evaluation of each written charter proposal, an in-person interview with the applicant, and an opportunity in a public forum for local residents to learn about and provide input on each proposal.

(b) Prior to the board's review, the office of public instruction shall provide the board with:

(i) an estimate of the additional state and local costs attributable to the basic entitlement portion of the budget of each charter school proposal based on the planned enrollment in the third year of operations as stated in the proposal pursuant to subsection (3); and

(ii) the additional state and local costs attributable to the basic entitlement portion of the budget of existing public charter schools in the current year.

(6) In deciding whether to approve charter proposals, the board shall:

(a) grant charters only to applicants that have demonstrated competence in each element of the board's published approval criteria and are likely to open and operate a successful public charter school;

(b) base decisions on documented evidence collected through the proposal review process;

(c) for an applicant that is not a local school board, request input from the qualified electors of the located school district regarding concerns about the applicant's proposal being approved;

(d) follow charter-granting policies and practices that are transparent and are based on merit and avoid conflicts of interest or any appearance of conflict; ~~and~~

(e) weigh heavily the evidence of community support, the projected student enrollment, and the input received under subsection (6)(c) and only approve charters whose promise of improved educational outcomes outweighs potential increased costs to state and local taxpayers*;*

(f) limit the estimated annual additional state cost attributable to the basic entitlement portion of the budget for all public charter schools based on the information provided by the office of public instruction in subsection (5)(b) to the amount specified by the legislature in the appropriations act for the purposes of this program; and

(g) prioritize those proposals that demonstrate a commitment to and robust understanding of personalized and proficiency-based learning as described and defined in 20-7-1601.

(7) (a) The board shall approve or deny a charter proposal within 90 days after the filing of the charter proposal. When approval is granted to a governing board other than a local school board, the approval constitutes corresponding approval of the creation of a separate charter school district, the boundaries for which consist of the legal description of the campus of the charter school. These boundaries must be removed from the boundaries of the located school district for the purpose of establishing a distinct boundary for the charter school district that is subject to exclusive supervision and control by the governing board of the charter school district.

(b) The board shall adopt by resolution all charter approval or denial decisions in an open meeting.

(c) An approval decision may include, if appropriate, reasonable conditions that the applicant must meet before a charter contract may be executed pursuant to 20-6-806.

(d) For any charter denial, the board shall clearly state for the public record the reasons for denial."

Section 3. Section 20-6-811, MCA, is amended to read:

"**20-6-811. Public charter school operation and autonomy.** (1) (a) A public charter school must be a public education organization.

(b) A public charter school is subject to all federal laws and authorities as provided in this part or arranged by charter contract with the board of public education consistent with applicable laws, rules, and regulations.

(c) Except as provided in this part ~~and in the public charter school's charter contract~~, a public charter school is subject to the provisions of Title 20 and any state or local rule, regulation, policy, or procedure relating to noncharter public schools within the located school district.

(d) A single governing board may hold one or more charter contracts. A charter contract may consist of one or more schools, to the extent approved by the board of public education and consistent with applicable law. Each public charter school that is part of a charter school district must be under the supervision and control of the governing board of the charter school district.

(2) A public charter school district or public charter school may not be created within the geographical boundaries of a third-class elementary district, as defined in 20-6-201, or a third-class high school district, as defined in 20-6-301, unless the applicant is the local school board.

(3) The governing board of a public charter school shall function as a local educational agency. A public charter school is responsible for meeting the requirements of a local educational agency under applicable federal, state, and local laws, including those relating to special education.

(4) The governing board of a public charter school is responsible for special education at the school, including identification and service provisions, and is responsible for meeting the needs of enrolled students with disabilities.

(5) The governing board of a public charter school district has all the powers necessary for carrying out the terms of its charter contract, including the following powers:

(a) to receive and disburse funds for school purposes;

(b) to secure appropriate insurance and to enter into contracts and leases, free from prevailing wage laws;

(c) to incur debt in reasonable anticipation of the receipt of public or private funds;

(d) to pledge, assign, or encumber its assets to be used as collateral for loans or extensions of credit;

(e) to solicit and accept gifts or grants for school purposes subject to applicable laws and the terms of its charter contract;

(f) to acquire real property, for use as its facility or facilities, from public or private sources; and

(g) to sue and be sued in its own name.

(6) (a) A public charter school may not engage in any sectarian practices in its educational program, admissions policies, employment policies or practices, or operations.

(b) The powers, obligations, and responsibilities set forth in the charter contract may not be delegated or assigned by either party except as otherwise specifically provided in this part.

(7) (a) A public charter school is subject to the same civil rights, health, and safety requirements applicable to other public schools in the state except as otherwise specifically provided in this part.

(b) The governing board shall establish graduation requirements and may award degrees and issue diplomas.

(c) A governing board is subject to and shall comply with state open meeting and public records laws pursuant to Title 2, chapters 3 and 6.

(d) A public charter school shall establish purchasing procedures that include a competitive bidding process for purchases or contracts exceeding $80,000.

(8) (a) Employees in public charter schools have the same rights and privileges as other public school employees except as otherwise provided in this part.

(b) Teachers and other school personnel, as well as governing board members, are subject to criminal history record checks and fingerprinting requirements.

(c) Public charter school employees may not be required to be members of any existing collective bargaining agreement between a school district and its employees. However, a public charter school may not interfere with laws and other applicable rules protecting the rights of employees to organize and to be free from discrimination."

Section 4. Section 20-6-812, MCA, is amended to read:

"**20-6-812. Funding for public charter schools.** (1) It is the intent of the legislature that a public charter school receive operational funding on a per-pupil basis that is equitable with the per-pupil funding of the located school district.

(2) (a) For budgeting and funding purposes, when a public charter school is operated by a local school board, a public charter school must be considered a separate budget unit of the located school district, must have its ANB calculated separately from other budget units of the district, and must receive a basic entitlement calculated separately from other budget units of the district when its ANB is greater than:

(i) 70 for an elementary school or program;

(ii) 20 for a middle school or program; or

(iii) 40 for a high school or program.

(b) When a public charter school district exists, funding of the public charter school district must be distributed as BASE aid, except as provided in subsection (2)(c), at 80% of the basic entitlement, 80% of the total per-ANB entitlement, 100% of the total quality educator payment, 100% of the total at-risk student payment, 100% of the total Indian education for all payment, 100% of the total American Indian achievement gap payment, 100% of the total

data-for-achievement payment, and 140% of the special education allowable cost payment. The total amount of funding received by a public charter school district under this subsection (2)(b) is both the minimum amount and the maximum amount of ~~public~~ *state* funding for the public charter school district *unless otherwise appropriated by the legislature*.

(c) A public charter school district is not eligible for a basic entitlement unless its ANB is greater than:

(i) 70 for an elementary school or program;

(ii) 20 for a middle school or program; or

(iii) 40 for a high school or program.

(3) Students attending a public charter school governed by a local school board who are not residents of the located school district generate funding in the same manner as other nonresident students attending a school of the located district under an out-of-district attendance agreement pursuant to Title 20, chapter 5, part 3;

(4) ~~A~~ *(a) Except as provided in subsection (4)(b) of this section, a* public charter school district is prohibited from charging tuition and fees*, and the provisions for out-of-district attendance under Title 20, chapter 5, part 3, do not apply to a public charter school district*.

(b) The provisions for out-of-district attendance for a child with a disability under Title 20, chapter 5, part 3, apply to a public charter school district, including the resident school district's obligation to support a portion of the costs of the child's education.

(5) For a public charter school that is not governed by the local school board, the county treasurer of the county in which a public charter school is located shall establish funds for the public charter school separate from the funds of the located school district.

(6) The governing board of a public charter school shall report annually on the financial activities of the public charter school in the manner prescribed in 20-9-213(6).

(7) A public charter school district may obligate the public charter school district to indebtedness and is solely responsible for those debts. A public charter school district is not responsible for any debt service obligations that exist in the located school district.

(8) *(a)* Nothing in this part may be construed to prohibit any person or organization from providing funding or other assistance for the establishment or operation of a public charter school. The governing board of a public charter school is authorized to accept gifts or donations of any kind made to the public charter school and to expend or use the gifts or donations in accordance with the conditions prescribed by the donor. A gift or donation may not be accepted if the gift or donation is subject to a condition that is contrary to any provision of law or term of the charter contract.

(b) A public charter school district may receive donations for innovative educational programs as provided for in 15-30-2334, 15-30-3110, and 15-31-158.

(9) Money received by a public charter school from any source and remaining in the public charter school's accounts at the end of a budget year must remain in the public charter school's accounts for use by the public charter school in subsequent years."

Section 5. Effective date. [This act] is effective July 1, 2025.

Approved May 1, 2025

CHAPTER NO. 244

[HB 266]

AN ACT ANALYZING THE ANNUAL INFLATION-RELATED ADJUSTMENTS TO K-12 BASE AID TO IMPROVE ALIGNMENT WITH THE DEFINITION OF "BASIC SYSTEM OF FREE QUALITY PUBLIC ELEMENTARY AND SECONDARY SCHOOLS" PROVIDED IN SECTION 20-9-309, MCA; ENSURING THAT THE GENERAL FUND FUNDING FORMULA IS SELF-EXECUTING AND INCLUDES A PROCESS FOR ENSURING ACCESS TO INFORMATION REGARDING EDUCATIONALLY RELEVANT AND ACCURATE ANNUAL INFLATIONARY ADJUSTMENTS; ESTABLISHING REPORTING REQUIREMENTS; AMENDING SECTION 20-9-326, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 20-9-326, MCA, is amended to read:

"**20-9-326. Annual inflation-related adjustments to basic entitlements and per-ANB entitlements -- *reporting*.** (1) In preparing and submitting an agency budget pursuant to 17-7-111 and 17-7-112, the superintendent of public instruction shall determine the inflation factor for the basic and per-ANB entitlements, the data-for-achievement payment, the per-ANB amount used to calculate the total special education allocation in 20-9-306, and the general fund payments in 20-9-327 through 20-9-330 in each fiscal year of the ensuing biennium. The inflation factor is calculated as follows:

(a) for the first year of the biennium, divide the consumer price index for July 1 of the prior calendar year by the consumer price index for July 1 of the calendar year 3 years prior to the prior calendar year and raise the resulting ratio to the power of one-third; and

(b) for the second year of the biennium, divide the consumer price index for July 1 of the current calendar year by the consumer price index for July 1 of the calendar year 3 years prior to the current calendar year and raise the resulting ratio to the power of one-third.

(2) *(a)* The present law base for the entitlements referenced in subsection (1) *of this section*, calculated under Title 17, chapter 7, part 1, must consist of any enrollment increases or decreases plus the inflation factor calculated pursuant to this section, not to exceed 3% in each year, applied to both years of the biennium~~;~~.

(b) This subsection (2) does not limit the superintendent or the governor from recommending, or limit the legislature from adopting, inflationary adjustments other than those calculated in this section.

(3) Beginning in fiscal year 2026 and then every even-numbered fiscal year thereafter, the superintendent of public instruction shall provide a report no later than September 1 to the education interim budget committee and the education interim committee and no later than December 31 to the legislative finance committee, in accordance with 5-11-210, regarding the educational relevance in the implementation of this section. The report must include:

(a) the increase in funding over the prior year on a per-ANB basis for the BASE aid elements represented in 20-9-306(2)(a) and (2)(c) through (2)(h) budgeted to be provided to school districts in the current fiscal year and provided to school districts in the preceding 5 fiscal years, which must be reported in both dollar and percentage amounts, with the six percentages rounded to the nearest one hundredth;

(b) the percentage change from July of the preceding year to July of the applicable year in the consumer price index for the current year and the preceding 5 years, with the six percentages rounded to the nearest one hundredth; and

(c) a cumulative numerical comparison of the difference between the percentages reported in subsections (3)(a) and (3)(b), rounded to the nearest one hundredth..

~~(3)~~*(4)* For the purposes of this section, "consumer price index" means the consumer price index, U.S. city average, all urban consumers, for all items, using the 1982-84 base of 100, as published by the bureau of labor statistics of the U.S. department of labor."

Section 2. Coordination instruction. If both Senate Bill No. 258 and [this act] are passed and approved, then Senate Bill No. 258 is void.

Section 3. Effective date. [This act] is effective July 1, 2025.

Approved May 1, 2025

CHAPTER NO. 245

[HB 269]

AN ACT ELIMINATING THE ORGANIC COMMODITY ADVISORY COUNCIL; REVISING THE STATE ORGANIC CERTIFICATION PROGRAM; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 80-11-601 AND 80-11-602, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 80-11-601, MCA, is amended to read:

"**80-11-601. ~~Plan for establishment of state~~ *State* organic certification program ~~-- submission by governor to U.S. secretary of agriculture -- -- administration by department.~~** ~~(1) Upon petition by 50% or more of certified organic producers, processors, and handlers in Montana, the department shall develop a plan for a state organic certification program for producers and handlers of agricultural products that have been produced using organic methods. The plan must be developed in conformity with the requirements of the Organic Foods Production Act of 1990, 7 U.S.C. 6501, et seq. The state program must be designed to ensure that a product that is sold or labeled as organically produced is produced and handled using organic methods. The state organic certification program may contain requirements that are more restrictive than those contained in the federal act for the organic certification of farms and handling operations and the production and handling of agricultural products that are to be sold or labeled as organically produced.~~

~~(2) Once the plan is developed, the governor, as the governing state official, shall submit the plan for a Montana state organic certification program to the U.S. secretary of agriculture for approval.~~

~~(3) If the state program is approved by the U.S. secretary of agriculture, two-thirds of the certified organic producers, processors, and handlers who petitioned for development of a state plan pursuant to subsection (1) may petition the department for implementation of the Montana state organic certification program.~~

~~(4) Upon receipt and verification of the petition, the department shall implement the program. Implementation must include the establishment of an organic commodity advisory council. The council must be composed of the director of the department, a consumer member of the public at large, and~~

~~certified Montana organic producers, processors, and handlers, a majority of which must be organic producers, to advise the department regarding:~~

~~(a) the adoption of administrative rules to implement the organic certification program;~~

~~(b) appropriate research and market development programs for certified organic products;~~

~~(c) assessments on certified organic products payable by certified organic producers, processors, and handlers certified under the state organic certification program, when approved by a majority of those producers, processors, and handlers, in an amount sufficient to fund the state organic certification program without negative fiscal impact on the state budget;~~

~~(d) assessment collection and enforcement procedures;~~

~~(e) appropriate penalty and enforcement provisions applicable to the state organic certification program;~~

~~(f) the awarding of research and marketing contracts; and~~

~~(g) any other issues the advisory council considers necessary for proper administration of the state organic certification program.~~

(1) There is a state organic certification program administered by the department of agriculture.

(2) The department may adopt rules as necessary to implement the program consistent with organic regulations and trade laws of the United States and other markets.

(3) The department shall seek input from the Montana Organic Association, producers, handlers, processors, and others in the community on a regular basis as to the need of the certification program, research, markets, and other matters concerning organics.

~~(5)~~*(4)* A state organic certification program may not be construed to apply to organic producers, processors, and handlers certified solely by other organic certification programs, whether public, private, foreign, or domestic, nor may the state organic certification program prohibit those other certifying organizations from certifying and collecting fees from organic producers, processors, handlers, or any other commercial entity in Montana. Organic producers, processors, and handlers may be certified under both the state organic certification program and programs administered by other certifying organizations."

Section 2. Section 80-11-602, MCA, is amended to read:

"**80-11-602. Account established -- sources -- use -- expenditures.** (1) There is an account in the state special revenue fund. The following must be placed in the account:

(a) the proceeds from all gifts, grants, or donations to the department for development and administration of the state organic certification ~~plan and~~ program authorized under 80-11-601; *and*

(b) *the* proceeds of assessments, penalties, and other money collected pursuant to a state organic certification program when implemented pursuant to 80-11-601.

(2) The account must be maintained for the purposes of 80-11-601 and must be separate from all other accounts of the department.

(3) The department may direct the board of investments to invest funds from the account pursuant to the provisions of the unified investment program for state funds. The income from those investments must be credited to the account established in this section."

Approved May 1, 2025

CHAPTER NO. 246

[HB 270]

AN ACT REVISING REMEDY REQUIREMENTS OF THE MONTANA ENVIRONMENTAL POLICY ACT RELATED TO THE ENVIRONMENTAL REVIEW PROCESS; AMENDING SECTIONS 75-1-102, 75-1-201, AND 75-1-208, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 75-1-102, MCA, is amended to read:

"**75-1-102. Intent -- purpose.** (1) The legislature, mindful of its constitutional obligations under Article II, section 3, and Article IX of the Montana constitution, has enacted the Montana Environmental Policy Act. The Montana Environmental Policy Act is procedural, and it is the legislature's intent that the requirements of parts 1 through 3 of this chapter provide for the adequate review of state actions in order to ensure that:

(a) environmental attributes are fully considered by the legislature in enacting laws to fulfill constitutional obligations; and

(b) the public is informed of the anticipated impacts in Montana of potential state actions.

(2) The purpose of parts 1 through 3 of this chapter is to declare a state policy that will encourage productive and enjoyable harmony between humans and their environment, to protect the right to use and enjoy private property free of undue government regulation, to promote efforts that will prevent, mitigate, or eliminate damage to the environment and biosphere and stimulate the health and welfare of humans, to enrich the understanding of the ecological systems and natural resources important to the state, and to establish an environmental quality council.

(3) (a) The purpose of requiring an environmental assessment and an environmental impact statement under part 2 of this chapter is to assist the legislature in determining whether laws are adequate to address impacts to Montana's environment and to inform the public and public officials of potential impacts resulting from decisions made by state agencies.

(b) Except to the extent that an applicant agrees to the incorporation of measures in a permit pursuant to ~~75-1-201(4)(b)~~ *75-1-201(3)(b)*, it is not the purpose of parts 1 through 3 of this chapter to provide for regulatory authority, beyond authority explicitly provided for in existing statute, to a state agency.

Section 2. Section 75-1-201, MCA, is amended to read:

"**75-1-201. General directions -- environmental impact statements.** (1) The legislature authorizes and directs that, to the fullest extent possible:

(a) the policies, regulations, and laws of the state must be interpreted and administered in accordance with the policies set forth in parts 1 through 3;

(b) under this part, all agencies of the state, except the legislature and except as provided in ~~subsections~~ *subsection* (2) ~~and (3)~~, shall:

(i) use a systematic, interdisciplinary approach that will ensure:

(A) the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking for a state-sponsored project that may have an impact on the Montana human environment by projects in Montana; and

(B) that in any environmental review that is not subject to subsection (1)(b)(iv), when an agency considers alternatives, the alternative analysis will be in compliance with the provisions of subsections (1)(b)(iv)(C)(I) and

(1)(b)(iv)(C)(II) and, if requested by the project sponsor or if determined by the agency to be necessary, subsection (1)(b)(iv)(C)(III);

(ii) identify and develop methods and procedures that will ensure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking for state-sponsored projects, along with economic and technical considerations;

(iii) identify and develop methods and procedures that will ensure that state government actions that may impact the human environment in Montana are evaluated for regulatory restrictions on private property, as provided in subsection (1)(b)(iv)(D);

(iv) include in each recommendation or report on proposals for projects, programs, and other major actions of state government significantly affecting the quality of the human environment in Montana a detailed statement on:

(A) the environmental impact of the proposed action;

(B) any adverse effects on Montana's environment that cannot be avoided if the proposal is implemented;

(C) alternatives to the proposed action. An analysis of any alternative included in the environmental review must comply with the following criteria:

(I) any alternative proposed must be reasonable, in that the alternative must be achievable under current technology and the alternative must be economically feasible as determined solely by the economic viability for similar projects having similar conditions and physical locations and determined without regard to the economic strength of the specific project sponsor;

(II) the agency proposing the alternative shall consult with the project sponsor regarding any proposed alternative, and the agency shall give due weight and consideration to the project sponsor's comments regarding the proposed alternative;

(III) the agency shall complete a meaningful no-action alternative analysis. The no-action alternative analysis must include the projected beneficial and adverse environmental, social, and economic impact of the project's noncompletion.

(D) any regulatory impacts on private property rights, including whether alternatives that reduce, minimize, or eliminate the regulation of private property rights have been analyzed. The analysis in this subsection (1)(b)(iv)(D) need not be prepared if the proposed action does not involve the regulation of private property.

(E) the relationship between local short-term uses of the Montana human environment and the maintenance and enhancement of long-term productivity;

(F) any irreversible and irretrievable commitments of resources that would be involved in the proposed action if it is implemented;

(G) the customer fiscal impact analysis, if required by 69-2-216; and

(H) the details of the beneficial aspects of the proposed project, both short-term and long-term, and the economic advantages and disadvantages of the proposal;

(v) in accordance with the criteria set forth in subsection (1)(b)(iv)(C), study, develop, and describe appropriate alternatives to recommend courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources. If the alternatives analysis is conducted for a project that is not a state-sponsored project and alternatives are recommended, the project sponsor may volunteer to implement the alternative. Neither the alternatives analysis nor the resulting recommendations bind the project sponsor to take a recommended course of action, but the project sponsor may agree pursuant to subsection ~~(4)(b)~~ *(3)(b)* to a specific course of action.

(vi) recognize the potential long-range character of environmental impacts in Montana and, when consistent with the policies of the state, lend appropriate support to initiatives, resolutions, and programs designed to maximize cooperation in anticipating and preventing a decline in the quality of Montana's environment;

(vii) make available to counties, municipalities, institutions, and individuals advice and information useful in restoring, maintaining, and enhancing the quality of Montana's environment;

(viii) initiate and use ecological information in the planning and development of resource-oriented projects; and

(ix) assist the legislature and the environmental quality council established by 5-16-101;

(c) prior to making any detailed statement as provided in subsection (1)(b)(iv), the responsible state official shall consult with and obtain the comments of any state agency that has jurisdiction by law or special expertise with respect to any environmental impact involved in Montana and with any Montana local government, as defined in 7-12-1103, that may be directly impacted by the project. The responsible state official shall also consult with and obtain comments from any state agency in Montana with respect to any regulation of private property involved. Copies of the statement and the comments and views of the appropriate state, federal, and local agencies that are authorized to develop and enforce environmental standards must be made available to the governor, the environmental quality council, and the public and must accompany the proposal through the existing agency review processes.

(d) a transfer of an ownership interest in a lease, permit, license, certificate, or other entitlement for use or permission to act by an agency, either singly or in combination with other state agencies, does not trigger review under subsection (1)(b)(iv) if there is not a material change in terms or conditions of the entitlement or unless otherwise provided by law.

~~(2) (a) Except as provided in subsection (2)(b), an environmental review conducted pursuant to subsection (1) may not include an evaluation of greenhouse gas emissions and corresponding impacts to the climate in the state or beyond the state's borders.~~

~~(b) An environmental review conducted pursuant to subsection (1) may include an evaluation if:~~

~~(i) conducted jointly by a state agency and a federal agency to the extent the review is required by the federal agency; or~~

~~(ii) the United States congress amends the federal Clean Air Act to include carbon dioxide emissions as a regulated pollutant.~~

~~(3)~~*(2)* The department of public service regulation, in the exercise of its regulatory authority over rates and charges of railroads, motor carriers, and public utilities, is exempt from the provisions of parts 1 through 3.

~~(4)~~*(3)* (a) The agency may not withhold, deny, or impose conditions on any permit or other authority to act based on parts 1 through 3 of this chapter.

(b) Nothing in this subsection ~~(4)~~*(3)* prevents a project sponsor and an agency from mutually developing measures that may, at the request of a project sponsor, be incorporated into a permit or other authority to act.

(c) Parts 1 through 3 of this chapter do not confer authority to an agency that is a project sponsor to modify a proposed project or action.

~~(5)~~*(4)* (a) (i) A challenge to an agency's environmental review under this part may only be brought against a final agency action decision and may only be brought in district court or in federal court, whichever is appropriate. A challenge may only be brought by a person who submits formal comments on

the agency's environmental review prior to the agency's final decision, and the challenge must be limited to those issues addressed in those comments.

(ii) Any action or proceeding challenging a final agency action alleging failure to comply with or inadequate compliance with a requirement under this part must be brought within 60 days of the action that is the subject of the challenge.

(iii) For an action taken by the board of land commissioners or the department of natural resources and conservation under Title 77, "final agency action" means the date that the board of land commissioners or the department of natural resources and conservation issues a final environmental review document under this part or the date that the board approves the action that is subject to this part, whichever is later.

(b) Any action or proceeding under subsection ~~(5)(a)(ii)~~*(4)(a)(ii)* must take precedence over other cases or matters in the district court unless otherwise provided by law.

(c) Any judicial action or proceeding brought in district court under subsection ~~(5)(a)~~*(4)(a)* involving an equine slaughter or processing facility must comply with 81-9-240 and 81-9-241.

~~(6)~~*(5)* (a) (i) In an action alleging noncompliance or inadequate compliance with a requirement of parts 1 through 3, including a challenge to an agency's decision that an environmental review is not required or a claim that the environmental review is inadequate, the agency shall compile and submit to the court the certified record of its decision at issue. The agency, prior to submitting the certified record to the court, shall assess and collect from the person challenging the decision a fee to pay for actual costs to compile and submit the certified record. Except as provided in subsection ~~(6)(b)~~ *(5)(b)*, the person challenging the decision has the burden of proving the claim by clear and convincing evidence contained in the record.

~~(ii) An action alleging noncompliance or inadequate compliance with a requirement of parts 1 through 3, including a challenge to an agency's decision that an environmental review is not required or a claim that the environmental review is inadequate based in whole or in part upon greenhouse gas emissions and impacts to the climate in Montana or beyond Montana's borders, cannot vacate, void, or delay a lease, permit, license, certificate, authorization, or other entitlement or authority unless the review is required by a federal agency or the United States congress amends the federal Clean Air Act to include carbon dioxide as a regulated pollutant.~~

~~(iii)~~*(ii)* Except as provided in subsection ~~(6)(b)~~ *(5)(b)*, in a challenge to the agency's decision or the adequacy of an environmental review, a court may not consider any information, including but not limited to an issue, comment, argument, proposed alternative, analysis, or evidence, that was not first presented to the agency for the agency's consideration prior to the agency's decision or within the time allowed for comments to be submitted.

~~(iv)~~*(iii)* Except as provided in subsection ~~(6)(b)~~ *(5)(b)*, the court shall confine its review to the record certified by the agency. The court shall affirm the agency's decision or the environmental review unless the court specifically finds that the agency's decision was arbitrary and capricious.

~~(v)~~*(iv)* A customer fiscal impact analysis pursuant to 69-2-216 or an allegation that the customer fiscal impact analysis is inadequate may not be used as the basis of an action challenging or seeking review of the agency's decision.

(b) (i) When a party challenging the decision or the adequacy of the environmental review or decision presents information not in the record certified by the agency, the challenging party shall certify under oath in an

affidavit that the information is new, material, and significant evidence that was not publicly available before the agency's decision and that is relevant to the decision or the adequacy of the agency's environmental review.

(ii) If upon reviewing the affidavit the court finds that the proffered information is new, material, and significant evidence that was not publicly available before the agency's decision and that is relevant to the decision or to the adequacy of the agency's environmental review, the court shall remand the new evidence to the agency for the agency's consideration and an opportunity to modify its decision or environmental review before the court considers the evidence as a part of the administrative record under review.

(iii) If the court finds that the information in the affidavit does not meet the requirements of subsection ~~(6)(b)(i)~~ *(5)(b)(i)*, the court may not remand the matter to the agency or consider the proffered information in making its decision.

(c) (i) The remedies provided in this section for successful challenges to a decision of the agency or the adequacy of the statement are exclusive.

(ii) *If the court finds that noncompliance has occurred with parts 1 through 3 of this chapter, the court may remand the matter to the agency to correct the noncompliance.*

(iii) Notwithstanding the provisions of 27-19-201 and 27-19-314, a court having considered the pleadings of parties and intervenors opposing a request for a temporary restraining order, preliminary injunction, permanent injunction, *vacatur,* or other equitable relief may not enjoin*, void, nullify, revoke, modify, or suspend* the issuance or effectiveness of a license or permit or a part of a license or permit issued pursuant to Title 75 or Title 82 unless the court specifically finds that the party requesting the relief is more likely than not to prevail on the merits of its complaint given the uncontroverted facts in the record and applicable law and, in the absence of a temporary restraining order, a preliminary injunction, a permanent injunction, *vacatur,* or other equitable relief, that the:

(A) party requesting the relief will suffer irreparable harm in the absence of the relief;

(B) issuance of the relief is in the public interest. In determining whether the grant of the relief is in the public interest, a court:

(I) may not consider the legal nature or character of any party; and

(II) shall consider the implications of the relief on the local and state economy and make written findings with respect to both.

(C) relief is as narrowly tailored as the facts allow to address both the alleged noncompliance and the irreparable harm the party asking for the relief will suffer. In tailoring the relief, the court shall ensure, to the extent possible, that the project or as much of the project as possible can go forward while also providing the relief to which the applicant has been determined to be entitled.

(d) The court may issue a temporary restraining order, preliminary injunction, permanent injunction, or other injunctive relief only if the party seeking the relief provides a written undertaking to the court in an amount reasonably calculated by the court as adequate to pay the costs and damages sustained by any party that may be found to have been wrongfully enjoined or restrained by a court through a subsequent judicial decision in the case, including but not limited to lost wages of employees and lost project revenues for 1 year. If the party seeking an injunction or a temporary restraining order objects to the amount of the written undertaking for any reason, including but not limited to its asserted inability to pay, that party shall file an affidavit with the court that states the party's income, assets, and liabilities in order to facilitate the court's consideration of the amount of the written undertaking

that is required. The affidavit must be served on the party enjoined. ~~If a challenge for noncompliance or inadequate compliance with a requirement of parts 1 through 3 seeks to vacate, void, or delay a lease, permit, license, certificate, or other entitlement or authority, the party shall, as an initial matter, seek an injunction related to a lease, permit, license, certificate, or other entitlement or authority, and an~~ *An* injunction may only be issued if the challenger:

(i) proves there is a likelihood of succeeding on the merits;

(ii) proves there is a violation of an established law or regulation on which the lease, permit, license, certificate, or other entitlement or authority is based; and

(iii) subject to the demonstration of the inability to pay, posts the appropriate written undertaking.

(e) An individual or entity seeking a lease, permit, license, certificate, or other entitlement or authority to act may intervene in a lawsuit in court challenging a decision or statement by a department or agency of the state as a matter of right if the individual or entity has not been named as a defendant.

(f) Attorney fees or costs may not be awarded to the prevailing party in an action alleging noncompliance or inadequate compliance with a requirement of parts 1 through 3.

~~(7)~~*(6)* For *the* purposes of judicial review, to the extent that the requirements of this section are inconsistent with the provisions of the National Environmental Policy Act, the requirements of this section apply to an environmental review or any severable portion of an environmental review within the state's jurisdiction that is being prepared by a state agency pursuant to this part in conjunction with a federal agency proceeding pursuant to the National Environmental Policy Act.

~~(8)~~*(7)* The director of the agency responsible for the determination or recommendation shall endorse in writing any determination of significance made under subsection (1)(b)(iv) or any recommendation that a determination of significance be made.

~~(9)~~*(8)* A project sponsor may request a review of the significance determination or recommendation made under subsection ~~(8)~~ *(7)* by the appropriate board, if any. The appropriate board may, at its discretion, submit an advisory recommendation to the agency regarding the issue. The period of time between the request for a review and completion of a review under this subsection may not be included for the purposes of determining compliance with the time limits established for environmental review in 75-1-208."

Section 3. Section 75-1-208, MCA, is amended to read:

"**75-1-208. Environmental review procedure.** (1) (a) Except as provided in 75-1-205(4) and subsection (1)(b) of this section, an agency shall comply with this section when completing any environmental review required under this part.

(b) To the extent that the requirements of this section are inconsistent with federal requirements, the requirements of this section do not apply to an environmental review that is being prepared jointly by a state agency pursuant to this part and a federal agency pursuant to the National Environmental Policy Act or to an environmental review that must comply with the requirements of the National Environmental Policy Act.

(2) (a) Except as provided in subsection (2)(b), a project sponsor may, after providing a 30-day notice, appear before the environmental quality council at any regularly scheduled meeting to discuss issues regarding the agency's environmental review of the project. The environmental quality council

shall ensure that the appropriate agency personnel are available to answer questions.

(b) If the primary concern of the agency's environmental review of a project is the quality or quantity of water, a project sponsor may, after providing a 30-day notice, appear before the water policy committee established in 5-5-231 at any regularly scheduled meeting to discuss issues regarding the agency's environmental review of the project. The water policy committee shall ensure that the appropriate agency personnel are available to answer questions.

(3) If a project sponsor experiences problems in dealing with the agency or any consultant hired by the agency regarding an environmental review, the project sponsor may submit a written request to the agency director requesting a meeting to discuss the issues. The written request must sufficiently state the issues to allow the agency to prepare for the meeting. If the issues remain unresolved after the meeting with the agency director, the project sponsor may submit a written request to appear before the appropriate board, if any, to discuss the remaining issues. A written request to the appropriate board must sufficiently state the issues to allow the agency and the board to prepare for the meeting.

(4) (a) Subject to the requirements of subsection (5), to ensure a timely completion of the environmental review process, an agency is subject to the time limits listed in this subsection (4) unless other time limits are provided by law. All time limits are measured from the date the agency receives a complete application. An agency has:

(i) 60 days to complete a public scoping process, if any;

(ii) 90 days to complete an environmental review unless a detailed statement pursuant to 75-1-201(1)(b)(iv) or 75-1-205(4) is required; and

(iii) 180 days to complete a detailed statement pursuant to 75-1-201(1)(b)(iv).

(b) The period of time between the request for a review by a board and the completion of a review by a board under ~~75-1-201(9)~~ *75-1-201(8)* or subsection (10) of this section may not be included for the purposes of determining compliance with the time limits established for conducting an environmental review under this subsection or the time limits established for permitting in 75-2-211, 75-2-218, 75-20-216, 75-20-231, 76-4-114, 82-4-122, 82-4-231, 82-4-337, and 82-4-432.

(5) An agency may extend the time limits in subsection (4) by notifying the project sponsor in writing that an extension is necessary and stating the basis for the extension. The agency may extend the time limit one time, and the extension may not exceed 50% of the original time period as listed in subsection (4). After one extension, the agency may not extend the time limit unless the agency and the project sponsor mutually agree to the extension.

(6) If the project sponsor disagrees with the need for the extension, the project sponsor may request that the appropriate board, if any, conduct a review of the agency's decision to extend the time period. The appropriate board may, at its discretion, submit an advisory recommendation to the agency regarding the issue.

(7) (a) Except as provided in subsection (7)(b), if an agency has not completed the environmental review by the expiration of the original or extended time period, the agency may not withhold a permit or other authority to act unless the agency makes a written finding that there is a likelihood that permit issuance or other approval to act would result in the violation of a statutory or regulatory requirement.

(b) Subsection (7)(a) does not apply to a permit granted under Title 75, chapter 2, or under Title 82, chapter 4, parts 1 and 2.

(8) Under this part, an agency may only request information from the project sponsor that is relevant to the environmental review required under this part.

(9) An agency shall ensure that the notification for any public scoping process associated with an environmental review conducted by the agency is presented in an objective and neutral manner and that the notification does not speculate on the potential impacts of the project.

(10) An agency may not require the project sponsor to provide engineering designs in greater detail than that necessary to fairly evaluate the proposed project. The project sponsor may request that the appropriate board, if any, review an agency's request regarding the level of design detail information that the agency believes is necessary to conduct the environmental review. The appropriate board may, at its discretion, submit an advisory recommendation to the agency regarding the issue.

(11) An agency shall, when appropriate, evaluate the cumulative impacts of a proposed project. However, related future actions may only be considered when these actions are under concurrent consideration by any agency through preimpact statement studies, separate impact statement evaluations, or permit processing procedures."

Section 4. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 5. Effective date. [This act] is effective on passage and approval.

Section 6. Coordination instruction. Except as provided in [section 8], if both Senate Bill No. 221 and [this act] are passed and approved and if both contain a section that amends 75-1-201, then the sections amending 75-1-201 are void and 75-1-201 must be amended as follows:

"75-1-201. General directions -- environmental impact statements. (1) The legislature authorizes and directs that, to the fullest extent possible:

(a) the policies, regulations, and laws of the state must be interpreted and administered in accordance with the policies set forth in parts 1 through 3;

(b) under this part, all agencies of the state, except the legislature and except as provided in ~~subsections (2) and (3)~~ *subsection (3)*, shall:

(i) use a systematic, interdisciplinary approach that will ensure:

(A) the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking for a state-sponsored project that may have an impact on ~~the Montana human~~ *Montana's* environment by projects in Montana; and

(B) that in any environmental review that is not subject to subsection (1)(b)(iv), when an agency considers alternatives, the alternative analysis will be in compliance with the provisions of subsections (1)(b)(iv)(C)(I) and (1)(b)(iv)(C)(II) and, if requested by the project sponsor or if determined by the agency to be necessary, subsection (1)(b)(iv)(C)(III);

(ii) identify and develop methods and procedures that will ensure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking for state-sponsored projects, along with economic and technical considerations;

(iii) identify and develop methods and procedures that will ensure that state government actions that may impact ~~the human environment in Montana~~ *Montana's environment* are evaluated for regulatory restrictions on private property, as provided in subsection (1)(b)(iv)(D);

(iv) include in each recommendation or report on proposals for projects, programs, and other major actions of state government significantly affecting the quality of ~~the human environment in Montana~~ *Montana's environment* a detailed statement on:

(A) the *proximate* environmental ~~impact~~ *impacts* of the proposed action;

(B) any *proximate* adverse effects on Montana's environment that cannot be avoided if the ~~proposal~~ *proposed* action is implemented;

(C) alternatives to the proposed action. An analysis of any alternative included in the environmental review must comply with the following criteria:

(I) any alternative proposed must be reasonable, in that the alternative must be achievable under current technology and the alternative must be economically feasible as determined solely by the economic viability for similar projects having similar conditions and physical locations and determined without regard to the economic strength of the specific project sponsor;

(II) the agency proposing the alternative shall consult with the project sponsor regarding any proposed alternative, and the agency shall give due weight and consideration to the project sponsor's comments regarding the proposed alternative;

(III) the agency shall complete a meaningful no-action alternative analysis. The no-action alternative analysis must include the projected beneficial and adverse environmental, social, and economic impact of the project's noncompletion.

(D) any regulatory impacts on private property rights, including whether alternatives that reduce, minimize, or eliminate the regulation of private property rights have been analyzed. The analysis in this subsection (1)(b)(iv)(D) need not be prepared if the proposed action does not involve the regulation of private property.

(E) the relationship between local short-term uses of ~~the Montana human~~ *Montana's* environment and the maintenance and enhancement of long-term productivity;

(F) any irreversible and irretrievable commitments of resources that would be involved in the proposed action if it is implemented;

(G) the customer fiscal impact analysis, if required by 69-2-216; and

(H) the details of the beneficial aspects of the proposed project, both short-term and long-term, and the economic advantages and disadvantages of the proposal;

(v) in accordance with the criteria set forth in subsection (1)(b)(iv)(C), study, develop, and describe appropriate alternatives to recommend courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources. If the alternatives analysis is conducted for a project that is not a state-sponsored project and alternatives are recommended, the project sponsor may volunteer to implement the alternative. Neither the alternatives analysis nor the resulting recommendations bind the project sponsor to take a recommended course of action, but the project sponsor may agree pursuant to subsection (4)(b) to a specific course of action.

(vi) recognize the potential long-range character of environmental impacts in Montana and, when consistent with the policies of the state, lend appropriate support to initiatives, resolutions, and programs designed to maximize cooperation in anticipating and preventing a decline in the quality of Montana's environment;

(vii) make available to counties, municipalities, institutions, and individuals advice and information useful in restoring, maintaining, and enhancing the quality of Montana's environment;

(viii) initiate and use ecological information in the planning and development of resource-oriented projects; and

(ix) assist the legislature and the environmental quality council established by 5-16-101;

(c) prior to making any detailed statement as provided in subsection (1)(b)(iv), the responsible state official shall consult with and obtain the comments of any state agency that has jurisdiction by law or special expertise with respect to any environmental impact involved in Montana and with any Montana local government, as defined in 7-12-1103, that may be directly impacted by the project. The responsible state official shall also consult with and obtain comments from any state agency in Montana with respect to any regulation of private property involved. Copies of the statement and the comments and views of the appropriate state, federal, and local agencies that are authorized to develop and enforce environmental standards must be made available to the governor, the environmental quality council, and the public and must accompany the proposal through the existing agency review processes.

(d) a transfer of an ownership interest in a lease, permit, license, certificate, or other entitlement for use or permission to act by an agency, either singly or in combination with other state agencies, does not trigger review under subsection (1)(b)(iv) if there is not a material change in terms or conditions of the entitlement or unless otherwise provided by law.

(2) (a) ~~Except as provided in subsection (2)(b), an~~ *An* environmental review conducted pursuant to subsection (1) may ~~not~~ include ~~an evaluation of greenhouse gas emissions and corresponding impacts to the climate in the state or beyond the state's borders~~ *a greenhouse gas assessment subject to [section 1 of Senate Bill No. 221]. The department of environmental quality shall develop a guidance document for use by state agencies to determine when a greenhouse gas assessment may be necessary. The guidance must include direction on methodologies for completing a greenhouse gas assessment. Prior to finalizing this guidance, the department shall provide public notice of the draft guidance and allow for public comment.*

(b) An environmental review conducted pursuant to subsection (1) may include an evaluation *of the reasonably foreseeable environmental impacts of a proposed action* if~~:~~

~~(i)~~ conducted jointly by a state agency and a federal agency to the extent the review *of the expanded assessment* is required by the federal agency~~; or~~

~~(ii) the United States congress amends the federal Clean Air Act to include carbon dioxide emissions as a regulated pollutant~~.

(3) The department of public service regulation, in the exercise of its regulatory authority over rates and charges of railroads, motor carriers, and public utilities, is exempt from the provisions of parts 1 through 3.

(4) (a) The agency may not withhold, deny, or impose conditions on any permit or other authority to act based on parts 1 through 3 of this chapter.

(b) Nothing in this subsection (4) prevents a project sponsor and an agency from mutually developing measures that may, at the request of a project sponsor, be incorporated into a permit or other authority to act.

(c) Parts 1 through 3 of this chapter do not confer authority to an agency that is a project sponsor to modify a proposed project or action.

(5) (a) (i) A challenge to an agency's environmental review under this part may only be brought against a final agency action decision and may only be brought in district court or in federal court, whichever is appropriate. A challenge may only be brought by a person who submits formal comments on

the agency's environmental review prior to the agency's final decision, and the challenge must be limited to those issues addressed in those comments.

(ii) Any action or proceeding challenging a final agency action alleging failure to comply with or inadequate compliance with a requirement under this part must be brought within 60 days of the action that is the subject of the challenge.

(iii) For an action taken by the board of land commissioners or the department of natural resources and conservation under Title 77, "final agency action" means the date that the board of land commissioners or the department of natural resources and conservation issues a final environmental review document under this part or the date that the board approves the action that is subject to this part, whichever is later.

(b) Any action or proceeding under subsection (5)(a)(ii) must take precedence over other cases or matters in the district court unless otherwise provided by law.

(c) Any judicial action or proceeding brought in district court under subsection (5)(a) involving an equine slaughter or processing facility must comply with 81-9-240 and 81-9-241.

(6) (a) (i) In an action alleging noncompliance or inadequate compliance with a requirement of parts 1 through 3, including a challenge to an agency's decision that an environmental review is not required or a claim that the environmental review is inadequate, the agency shall compile and submit to the court the certified record of its decision at issue. The agency, prior to submitting the certified record to the court, shall assess and collect from the person challenging the decision a fee to pay for actual costs to compile and submit the certified record. Except as provided in subsection (6)(b), the person challenging the decision has the burden of proving the claim by clear and convincing evidence contained in the record.

~~(ii) An action alleging noncompliance or inadequate compliance with a requirement of parts 1 through 3, including a challenge to an agency's decision that an environmental review is not required or a claim that the environmental review is inadequate based in whole or in part upon greenhouse gas emissions and impacts to the climate in Montana or beyond Montana's borders, cannot vacate, void, or delay a lease, permit, license, certificate, authorization, or other entitlement or authority unless the review is required by a federal agency or the United States congress amends the federal Clean Air Act to include carbon dioxide as a regulated pollutant.~~

~~(iii)~~*(ii)* Except as provided in subsection (6)(b), in a challenge to the agency's decision or the adequacy of an environmental review, a court may not consider any information, including but not limited to an issue, comment, argument, proposed alternative, analysis, or evidence, that was not first presented to the agency for the agency's consideration prior to the agency's decision or within the time allowed for comments to be submitted.

~~(iv)~~*(iii)* Except as provided in subsection (6)(b), the court shall confine its review to the record certified by the agency. The court shall affirm the agency's decision or the environmental review unless the court specifically finds that the agency's decision was arbitrary and capricious.

~~(v)~~*(iv)* A customer fiscal impact analysis pursuant to 69-2-216 or an allegation that the customer fiscal impact analysis is inadequate may not be used as the basis of an action challenging or seeking review of the agency's decision.

(b) (i) When a party challenging the decision or the adequacy of the environmental review or decision presents information not in the record certified by the agency, the challenging party shall certify under oath in an

affidavit that the information is new, material, and significant evidence that was not publicly available before the agency's decision and that is relevant to the decision or the adequacy of the agency's environmental review.

(ii) If upon reviewing the affidavit the court finds that the proffered information is new, material, and significant evidence that was not publicly available before the agency's decision and that is relevant to the decision or to the adequacy of the agency's environmental review, the court shall remand the new evidence to the agency for the agency's consideration and an opportunity to modify its decision or environmental review before the court considers the evidence as a part of the administrative record under review.

(iii) If the court finds that the information in the affidavit does not meet the requirements of subsection (6)(b)(i), the court may not remand the matter to the agency or consider the proffered information in making its decision.

(c) (i) The remedies provided in this section for successful challenges to a decision of the agency or the adequacy of the statement are exclusive.

(ii) If the court finds that noncompliance has occurred with parts 1 through 3 of this chapter, the court may remand the matter to the agency to correct the noncompliance

~~(ii)~~*(iii)* Notwithstanding the provisions of 27-19-201 and 27-19-314, a court having considered the pleadings of parties and intervenors opposing a request for a temporary restraining order, preliminary injunction, permanent injunction, *vacatur,* or other equitable relief may not enjoin*, void, nullify, revoke, modify, or suspend* the issuance or effectiveness of a license or permit or a part of a license or permit issued pursuant to Title 75 or Title 82 unless the court specifically finds that the party requesting the relief is more likely than not to prevail on the merits of its complaint given the uncontroverted facts in the record and applicable law and, in the absence of a temporary restraining order, a preliminary injunction, a permanent injunction, *vacatur,* or other equitable relief, that the:

(A) party requesting the relief will suffer irreparable harm in the absence of the relief;

(B) issuance of the relief is in the public interest. In determining whether the grant of the relief is in the public interest, a court:

(I) may not consider the legal nature or character of any party; and

(II) shall consider the implications of the relief on the local and state economy and make written findings with respect to both.

(C) relief is as narrowly tailored as the facts allow to address both the alleged noncompliance and the irreparable harm the party asking for the relief will suffer. In tailoring the relief, the court shall ensure, to the extent possible, that the project or as much of the project as possible can go forward while also providing the relief to which the applicant has been determined to be entitled.

(d) The court may issue a temporary restraining order, preliminary injunction, permanent injunction, or other injunctive relief only if the party seeking the relief provides a written undertaking to the court in an amount reasonably calculated by the court as adequate to pay the costs and damages sustained by any party that may be found to have been wrongfully enjoined or restrained by a court through a subsequent judicial decision in the case, including but not limited to lost wages of employees and lost project revenues for 1 year. If the party seeking an injunction or a temporary restraining order objects to the amount of the written undertaking for any reason, including but not limited to its asserted inability to pay, that party shall file an affidavit with the court that states the party's income, assets, and liabilities in order to facilitate the court's consideration of the amount of the written undertaking that is required. The affidavit must be served on the party enjoined. ~~If a~~

~~challenge for noncompliance or inadequate compliance with a requirement of parts 1 through 3 seeks to vacate, void, or delay a lease, permit, license, certificate, or other entitlement or authority, the party shall, as an initial matter, seek an injunction related to a lease, permit, license, certificate, or other entitlement or authority, and an~~ *An* injunction may only be issued if the challenger:

(i) proves there is a likelihood of succeeding on the merits;

(ii) proves there is a violation of an established law or regulation on which the lease, permit, license, certificate, or other entitlement or authority is based; and

(iii) subject to the demonstration of the inability to pay, posts the appropriate written undertaking.

(e) An individual or entity seeking a lease, permit, license, certificate, or other entitlement or authority to act may intervene in a lawsuit in court challenging a decision or statement by a department or agency of the state as a matter of right if the individual or entity has not been named as a defendant.

(f) Attorney fees or costs may not be awarded to the prevailing party in an action alleging noncompliance or inadequate compliance with a requirement of parts 1 through 3.

(7) For *the* purposes of judicial review, to the extent that the requirements of this section are inconsistent with the provisions of the National Environmental Policy Act, the requirements of this section apply to an environmental review or any severable portion of an environmental review within the state's jurisdiction that is being prepared by a state agency pursuant to this part in conjunction with a federal agency proceeding pursuant to the National Environmental Policy Act.

(8) The director of the agency responsible for the determination or recommendation shall endorse in writing any determination of significance made under subsection (1)(b)(iv) or any recommendation that a determination of significance be made.

(9) A project sponsor may request a review of the significance determination or recommendation made under subsection (8) by the appropriate board, if any. The appropriate board may, at its discretion, submit an advisory recommendation to the agency regarding the issue. The period of time between the request for a review and completion of a review under this subsection may not be included for the purposes of determining compliance with the time limits established for environmental review in 75-1-208."

Section 7. Coordination instruction. Except as provided in [section 8], if both House Bill No. 285 and [this act] are passed and approved and if both contain a section that amends 75-1-201, then the sections amending 75-1-201 are void and 75-1-201 must be amended as follows:

"**75-1-201. General directions -- environmental impact statements.** (1) The legislature authorizes and directs that, to the fullest extent possible:

(a) ~~the policies, regulations, and laws of the state must be interpreted and administered in accordance with the policies set forth in parts 1 through 3;~~

~~(b)~~ under this part, all agencies of the state, except the legislature and except as provided in ~~subsections (2) and (3)~~ *subsection (2)*, shall:

(i) use a systematic, interdisciplinary approach that ~~will~~ *must* ensure:

(A) the integrated use of the natural and social sciences and the environmental design arts in planning and ~~in decisionmaking for~~ *assessing* a state-sponsored project that may have an impact on ~~the Montana human~~ *Montana's* environment by projects in Montana; and

(B) that in any environmental review that is not subject to subsection ~~(1)(b)(iv)~~ *(1)(a)(iv)*, when an agency considers alternatives, the alternative analysis ~~will~~ *must* be in compliance with the provisions of subsections ~~(1)(b)(iv)(C)(I) and (1)(b)(iv)(C)(II)~~ *(1)(a)(iv)(C)(I) and (1)(a)(iv)(C)(II)* and, if requested by the project sponsor or if determined by the agency to be necessary, subsection ~~(1)(b)(iv)(C)(III)~~ *(1)(a)(iv)(C)(III)*;

(ii) identify and develop methods and procedures that ~~will~~ ensure that presently unquantified environmental amenities ~~and values~~ may be given appropriate consideration ~~in decisionmaking~~ *and assessment* for state-sponsored projects~~, along with economic and technical considerations~~;

(iii) identify and develop methods and procedures that will ensure that state government actions that may impact ~~the human~~ *Montana's* environment ~~in Montana~~ are evaluated for regulatory restrictions on private property, as provided in subsection ~~(1)(b)(iv)(D)~~ *(1)(a)(iv)(D)*;

(iv) include in each recommendation or report on proposals for projects, programs, and other major actions of state government significantly affecting the quality of ~~the human environment in Montana~~ *Montana's environment* a detailed statement on:

(A) the environmental impact of the proposed action;

(B) any adverse effects on Montana's environment that cannot be avoided if the proposal is implemented;

(C) alternatives to the proposed action. An analysis of any alternative included in the environmental review must comply with the following criteria:

(I) any alternative proposed must be reasonable, in that the alternative must be achievable under current technology and the alternative must be economically feasible as determined solely by the economic viability for similar projects having similar conditions and physical locations and determined without regard to the economic strength of the specific project sponsor;

(II) the agency proposing the alternative shall consult with the project sponsor regarding any proposed alternative, and the agency shall give due weight and consideration to the project sponsor's comments regarding the proposed alternative;

(III) the agency shall complete a meaningful no-action alternative analysis. The no-action alternative analysis must include the projected beneficial and adverse environmental, social, and economic impact of the project's noncompletion.

(D) any regulatory impacts on private property rights, including whether alternatives that reduce, minimize, or eliminate the regulation of private property rights have been analyzed. The analysis in this subsection ~~(1)(b)(iv)(D)~~ *(1)(a)(iv)(D)* need not be prepared if the proposed action does not involve the regulation of private property.

~~(E) the relationship between local short-term uses of the Montana human environment and the maintenance and enhancement of long-term productivity;~~

~~(F)~~*(E)* any irreversible and irretrievable commitments of resources that would be involved in the proposed action if it is implemented;

~~(G)~~*(F)* the customer fiscal impact analysis, if required by 69-2-216; and

~~(H)~~*(G)* the details of the beneficial aspects of the proposed project, both short-term and long-term, and the economic advantages and disadvantages of the proposal;

(v) in accordance with the criteria set forth in subsection ~~(1)(b)(iv)(C)~~ *(1)(a)(iv)(C)*, study, develop, and describe appropriate alternatives to recommend courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources. If the alternatives analysis is conducted for a project that is not a state-sponsored project and alternatives are

recommended, the project sponsor may volunteer to implement the alternative. ~~Neither the~~ *The* alternatives analysis ~~nor~~ *or* the resulting recommendations *may not* bind the project sponsor to take a recommended course of action~~, but the project sponsor may agree pursuant to subsection (4)(b) to a specific course of action.~~

~~(vi) recognize the potential long-range character of environmental impacts in Montana and, when consistent with the policies of the state, lend appropriate support to initiatives, resolutions, and programs designed to maximize cooperation in anticipating and preventing a decline in the quality of Montana's environment;~~

~~(vii)~~*(vi)* make available to counties, municipalities, institutions, and individuals advice and information useful in restoring, maintaining, and enhancing the quality of Montana's environment;

~~(viii)~~*(vii)* initiate and use ecological information in the planning and development of resource-oriented projects; and

~~(ix)~~*(viii)* assist the legislature and the environmental quality council established by 5-16-101;

~~(c)~~*(b)* prior to making any detailed statement as provided in subsection ~~(1)(b)(iv)~~ *(1)(a)(iv)*, the responsible state official shall consult with and ~~obtain~~ *request* the comments of any state agency that has jurisdiction by law or special expertise with respect to any environmental impact involved in Montana and with any Montana local government, as defined in 7-12-1103, that may be directly impacted by the project. The responsible state official shall also consult with and ~~obtain~~ *request* comments from any state agency in Montana with respect to any regulation of private property involved. Copies of the statement and the comments ~~and views~~ of the appropriate state, federal, and local agencies that are authorized to develop and enforce environmental standards must be made available to the governor, the environmental quality council, and the public and must accompany the proposal through the existing agency review processes.

~~(d)~~*(c)* a transfer of an ownership interest in a lease, permit, license, certificate, or other entitlement for use or permission to act by an agency, either singly or in combination with other state agencies, does not trigger review under subsection ~~(1)(b)(iv)~~ *(1)(a)(iv)* if there is not a material change in terms or conditions of the entitlement or unless otherwise provided by law.

~~(2) (a) Except as provided in subsection (2)(b), an environmental review conducted pursuant to subsection (1) may not include an evaluation of greenhouse gas emissions and corresponding impacts to the climate in the state or beyond the state's borders.~~

~~(b) An environmental review conducted pursuant to subsection (1) may include an evaluation if:~~

~~(i) conducted jointly by a state agency and a federal agency to the extent the review is required by the federal agency; or~~

~~(ii) the United States congress amends the federal Clean Air Act to include carbon dioxide emissions as a regulated pollutant.~~

~~(3)~~*(2)* The department of public service regulation, in the exercise of its regulatory authority over rates and charges of railroads, motor carriers, and public utilities, is exempt from the provisions of parts 1 through 3.

~~(4) (a) The agency may not withhold, deny, or impose conditions on any permit or other authority to act based on parts 1 through 3 of this chapter.~~

~~(b) Nothing in this subsection (4) prevents a project sponsor and an agency from mutually developing measures that may, at the request of a project sponsor, be incorporated into a permit or other authority to act.~~

~~(c) Parts 1 through 3 of this chapter do not confer authority to an agency that is a project sponsor to modify a proposed project or action.~~

~~(5)~~*(3)* (a) (i) A challenge to an agency's environmental review under this part may only be brought against a ~~final agency action~~ *state action approved in a final* decision *document* and may only be brought in district court or in federal court, whichever is appropriate. A challenge may only be brought by a person who submits formal comments on the agency's environmental review prior to the *issuance of the* agency's final decision *document*, and the challenge must be limited to those issues ~~addressed~~ *raised* in those comments.

(ii) Any action or proceeding challenging a ~~final agency action~~ *state action approved in a final decision document* alleging failure to comply with or inadequate compliance with a requirement under this part must be brought within 60 days of the action that is the subject of the challenge.

(iii) For an action taken by the board of land commissioners or the department of natural resources and conservation under Title 77, "final agency action" means the date that the board of land commissioners or the department of natural resources and conservation issues a final environmental review document under this part or the date that the board approves the action that is subject to this part, whichever is later.

(b) Any action or proceeding under subsection ~~(5)(a)(ii)~~ *(3)(a)(ii)* must take precedence over other cases or matters in the district court unless otherwise provided by law.

(c) Any judicial action or proceeding brought in district court under subsection ~~(5)(a)~~ *(3)(a)* involving an equine slaughter or processing facility must comply with 81-9-240 and 81-9-241.

~~(6)~~*(4)* (a) (i) In an action alleging noncompliance or inadequate compliance with a requirement of parts 1 through 3, including a challenge to an agency's decision that an environmental review is not required or a claim that the environmental review is inadequate, the agency shall compile and submit to the court the certified record of its decision at issue. The agency, prior to submitting the certified record to the court, shall assess and collect from the person challenging the decision a fee to pay for actual costs to compile and submit the certified record. Except as provided in subsection ~~(6)(b)~~ *(4)(b)*, the person challenging the decision has the burden of proving the claim by clear and convincing evidence contained in the record.

~~(ii) An action alleging noncompliance or inadequate compliance with a requirement of parts 1 through 3, including a challenge to an agency's decision that an environmental review is not required or a claim that the environmental review is inadequate based in whole or in part upon greenhouse gas emissions and impacts to the climate in Montana or beyond Montana's borders, cannot vacate, void, or delay a lease, permit, license, certificate, authorization, or other entitlement or authority unless the review is required by a federal agency or the United States congress amends the federal Clean Air Act to include carbon dioxide as a regulated pollutant.~~

~~(iii)~~*(ii)* Except as provided in subsection ~~(6)(b)~~ *(4)(b)*, in a challenge to the agency's decision or the adequacy of an environmental review, a court may not consider any information, including but not limited to an issue, comment, argument, proposed alternative, analysis, or evidence, that was not first presented to the agency for the agency's consideration prior to the agency's decision or within the time allowed for comments to be submitted.

~~(iv)~~*(iii)* Except as provided in subsection ~~(6)(b)~~ *(4)(b)*, the court shall confine its review to the record certified by the agency. The court shall affirm the agency's decision or the environmental review unless the court specifically finds that the agency's decision was arbitrary and capricious.

~~(v)~~*(iv)* A customer fiscal impact analysis pursuant to 69-2-216 or an allegation that the customer fiscal impact analysis is inadequate may not be used as the basis of an action challenging or seeking review of the agency's decision.

(b) (i) When a party challenging the decision or the adequacy of the environmental review or decision presents information not in the record certified by the agency, the challenging party shall certify under oath in an affidavit that the information is new, material, and significant evidence that was not publicly available before the agency's decision and that is relevant to the decision or the adequacy of the agency's environmental review.

(ii) If ~~upon~~ *on* reviewing the affidavit the court finds that the proffered information is new, material, and significant evidence that was not publicly available before the agency's decision and that is relevant to the decision or to the adequacy of the agency's environmental review, the court shall remand the new evidence to the agency for the agency's consideration and an opportunity to modify its decision or environmental review before the court considers the evidence as a part of the administrative record under review.

(iii) If the court finds that the information in the affidavit does not meet the requirements of subsection ~~(6)(b)(i)~~ *(4)(b)(i)*, the court may not remand the matter to the agency or consider the proffered information in making its decision.

(c) (i) The remedies provided in this section for successful challenges to a decision of the agency or the adequacy of the statement are exclusive.

(ii) If the court finds that noncompliance has occurred with parts 1 through 3 of this chapter, the court may remand the matter to the agency to correct the noncompliance.

~~(ii)~~*(iii)* Notwithstanding the provisions of 27-19-201 and 27-19-314, a court having considered the pleadings of parties and intervenors opposing a request for a temporary restraining order, preliminary injunction, permanent injunction, *vacatur,* or other equitable relief may not enjoin*, void, nullify, revoke, modify, or suspend* the issuance or effectiveness of a license or permit or a part of a license or permit issued pursuant to Title 75 or Title 82 unless the court specifically finds that the party requesting the relief is more likely than not to prevail on the merits of its complaint given the uncontroverted facts in the record and applicable law and, in the absence of a temporary restraining order, a preliminary injunction, a permanent injunction, *vacatur,* or other equitable relief, that the:

(A) party requesting the relief will suffer irreparable harm in the absence of the relief;

(B) issuance of the relief is in the public interest. In determining whether the grant of the relief is in the public interest, a court:

(I) may not consider the legal nature or character of any party; and

(II) shall consider the implications of the relief on the local and state economy and make written findings with respect to both.

(C) relief is as narrowly tailored as the facts allow to address both the alleged noncompliance and the irreparable harm the party asking for the relief will suffer. In tailoring the relief, the court shall ensure, to the extent possible, that the project or as much of the project as possible can go forward while also providing the relief to which the applicant has been determined to be entitled.

(d) The court may issue a temporary restraining order, preliminary injunction, permanent injunction, or other injunctive relief only if the party seeking the relief provides a written undertaking to the court in an amount reasonably calculated by the court as adequate to pay the costs and damages sustained by any party that may be found to have been wrongfully enjoined

or restrained by a court through a subsequent judicial decision in the case, including but not limited to lost wages of employees and lost project revenues for 1 year. If the party seeking an injunction or a temporary restraining order objects to the amount of the written undertaking for any reason, including but not limited to its asserted inability to pay, that party shall file an affidavit with the court that states the party's income, assets, and liabilities in order to facilitate the court's consideration of the amount of the written undertaking that is required. The affidavit must be served on the party enjoined. ~~If a challenge for noncompliance or inadequate compliance with a requirement of parts 1 through 3 seeks to vacate, void, or delay a lease, permit, license, certificate, or other entitlement or authority, the party shall, as an initial matter, seek an injunction related to a lease, permit, license, certificate, or other entitlement or authority, and an~~ *An* injunction may only be issued if the challenger:

(i) proves there is a likelihood of succeeding on the merits;

(ii) proves there is a violation of an established law or regulation on which the lease, permit, license, certificate, or other entitlement or authority is based; and

(iii) subject to the demonstration of the inability to pay, posts the appropriate written undertaking.

(e) An individual or entity seeking a lease, permit, license, certificate, or other entitlement or authority to act may intervene in a lawsuit in court challenging a decision or statement by a department or agency of the state as a matter of right if the individual or entity has not been named as a defendant.

(f) Attorney fees or costs may not be awarded to the prevailing party in an action alleging noncompliance or inadequate compliance with a requirement of parts 1 through 3.

~~(7)~~*(5)* For *the* purposes of judicial review, to the extent that the requirements of this section are inconsistent with the provisions of the National Environmental Policy Act, the requirements of this section apply to an environmental review or any severable portion of an environmental review within the state's jurisdiction that is being prepared by a state agency pursuant to this part in conjunction with a federal agency proceeding pursuant to the National Environmental Policy Act.

~~(8)~~*(6)* The director of the agency responsible for the determination or recommendation shall endorse in writing any determination of significance made under subsection ~~(1)(b)(iv)~~ *(1)(a)(iv)* or any recommendation that a determination of significance be made.

~~(9)~~*(7)* A project sponsor may request a review of the significance determination or recommendation made under subsection ~~(8)~~ *(6)* by the appropriate board, if any. The appropriate board may, at its discretion, submit an advisory recommendation to the agency regarding the issue. The period of time between the request for a review and completion of a review under this subsection may not be included for the purposes of determining compliance with the time limits established for environmental review in 75-1-208."

Section 8. Coordination instruction. If House Bill No. 285, Senate Bill No. 221, and [this act] are all passed and approved and if all three contain a section that amends 75-1-201, then [sections 6 and 7 of this act] and [section 12 of House Bill No. 285] are void, the sections amending 75-1-201 are void, and 75-1-201 must be amended as follows:

"**75-1-201. General directions -- environmental impact statements.** (1) The legislature authorizes and directs that, to the fullest extent possible:

(a) ~~the policies, regulations, and laws of the state must be interpreted and administered in accordance with the policies set forth in parts 1 through 3;~~

~~(b)~~ under this part, all agencies of the state, except the legislature and except as provided in ~~subsections (2) and (3)~~ *subsection (3)*, shall:

(i) use a systematic, interdisciplinary approach that will ensure:

(A) the integrated use of the natural and social sciences and the environmental design arts in planning and ~~in decisionmaking for~~ *assessing* a state-sponsored project that may have an impact on ~~the Montana human~~ *Montana's* environment by projects in Montana; and

(B) that in any environmental review that is not subject to subsection ~~(1)(b)(iv)~~ *(1)(a)(iv)*, when an agency considers alternatives, the alternative analysis ~~will~~ *must* be in compliance with the provisions of subsections ~~(1)(b)(iv)(C)(I) and (1)(b)(iv)(C)(II)~~ *(1)(a)(iv)(C)(I) and (1)(a)(iv)(C)(II)* and, if requested by the project sponsor or if determined by the agency to be necessary, subsection ~~(1)(b)(iv)(C)(III)~~ *(1)(a)(iv)(C)(III)*;

(ii) identify and develop methods and procedures that ~~will~~ ensure that presently unquantified environmental amenities ~~and values~~ may be given appropriate consideration ~~in decisionmaking~~ *and assessment* for state-sponsored projects~~, along with economic and technical considerations~~;

(iii) identify and develop methods and procedures that ~~will~~ ensure that state government actions that may impact ~~the human~~ *Montana's* environment ~~in Montana~~ are evaluated for regulatory restrictions on private property, as provided in subsection ~~(1)(b)(iv)(D)~~ *(1)(a)(iv)(D)*;

(iv) include in each recommendation or report on proposals for projects, programs, and other major actions of state government significantly affecting the quality of ~~the human environment in Montana~~ *Montana's environment* a detailed statement on:

(A) the *proximate* environmental ~~impact~~ *impacts* of the proposed action;

(B) any *proximate* adverse effects on Montana's environment that cannot be avoided if the ~~proposal~~ *proposed action* is implemented;

(C) alternatives to the proposed action. An analysis of any alternative included in the environmental review must comply with the following criteria:

(I) any alternative proposed must be reasonable, in that the alternative must be achievable under current technology and the alternative must be economically feasible as determined solely by the economic viability for similar projects having similar conditions and physical locations and determined without regard to the economic strength of the specific project sponsor;

(II) the agency proposing the alternative shall consult with the project sponsor regarding any proposed alternative, and the agency shall give due weight and consideration to the project sponsor's comments regarding the proposed alternative;

(III) the agency shall complete a meaningful no-action alternative analysis. The no-action alternative analysis must include the projected beneficial and adverse environmental, social, and economic impact of the project's noncompletion.

(D) any regulatory impacts on private property rights, including whether alternatives that reduce, minimize, or eliminate the regulation of private property rights have been analyzed. The analysis in this subsection ~~(1)(b)(iv)(D)~~ *(1)(a)(iv)(D)* need not be prepared if the proposed action does not involve the regulation of private property.

~~(E) the relationship between local short-term uses of the Montana human environment and the maintenance and enhancement of long-term productivity;~~

~~(F)~~*(E)* any irreversible and irretrievable commitments of resources that would be involved in the proposed action if it is implemented;

~~(G)~~*(F)* the customer fiscal impact analysis, if required by 69-2-216; and

~~(H)~~*(G)* the details of the beneficial aspects of the proposed project, both short-term and long-term, and the economic advantages and disadvantages of the proposal;

(v) in accordance with the criteria set forth in subsection ~~(1)(b)(iv)(C)~~ *(1)(a)(iv)(C)*, study, develop, and describe appropriate alternatives to recommend courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources. If the alternatives analysis is conducted for a project that is not a state-sponsored project and alternatives are recommended, the project sponsor may volunteer to implement the alternative. ~~Neither the~~ *The* alternatives analysis ~~nor~~ *or* the resulting recommendations *may not* bind the project sponsor to take a recommended course of action~~, but the project sponsor may agree pursuant to subsection (4)(b) to a specific course of action.~~

~~(vi) recognize the potential long-range character of environmental impacts in Montana and, when consistent with the policies of the state, lend appropriate support to initiatives, resolutions, and programs designed to maximize cooperation in anticipating and preventing a decline in the quality of Montana's environment;~~

~~(vii)~~*(vi)* make available to counties, municipalities, institutions, and individuals advice and information useful in restoring, maintaining, and enhancing the quality of Montana's environment;

~~(viii)~~*(vii)* initiate and use ecological information in the planning and development of resource-oriented projects; and

~~(ix)~~*(viii)* assist the legislature and the environmental quality council established by 5-16-101;

~~(c)~~*(b)* prior to making any detailed statement as provided in subsection ~~(1)(b)(iv)~~ *(1)(a)(iv)*, the responsible state official shall consult with and ~~obtain~~ *request* the comments of any state agency that has jurisdiction by law or special expertise with respect to any environmental impact involved in Montana and with any Montana local government, as defined in 7-12-1103, that may be directly impacted by the project. The responsible state official shall also consult with and ~~obtain~~ *request* comments from any state agency in Montana with respect to any regulation of private property involved. Copies of the statement and the comments ~~and views~~ of the appropriate state, federal, and local agencies that are authorized to develop and enforce environmental standards must be made available to the governor, the environmental quality council, and the public and must accompany the proposal through the existing agency review processes.

~~(d)~~*(c)* a transfer of an ownership interest in a lease, permit, license, certificate, or other entitlement for use or permission to act by an agency, either singly or in combination with other state agencies, does not trigger review under subsection ~~(1)(b)(iv)~~ *(1)(a)(iv)* if there is not a material change in terms or conditions of the entitlement or unless otherwise provided by law.

(2) (a) ~~Except as provided in subsection (2)(b), an~~ *An* environmental review conducted pursuant to subsection (1) may ~~not~~ include ~~an evaluation of greenhouse gas emissions and corresponding impacts to the climate in the state or beyond the state's borders~~ *a greenhouse gas assessment subject to [section 1 of Senate Bill No. 221]. The department of environmental quality shall develop a guidance document for use by state agencies to determine when a greenhouse gas assessment may be necessary. The guidance must include direction on methodologies for completing a greenhouse gas assessment. Prior to finalizing this guidance, the department shall provide public notice of the draft guidance and allow for public comment.*

(b) An environmental review conducted pursuant to subsection (1) may include an evaluation *of the reasonably foreseeable environmental impacts of a proposed action* if~~:~~

~~(i)~~ conducted jointly by a state agency and a federal agency to the extent the review *of the expanded assessment* is required by the federal agency~~; or~~

~~(ii) the United States congress amends the federal Clean Air Act to include carbon dioxide emissions as a regulated pollutant~~.

(3) The department of public service regulation, in the exercise of its regulatory authority over rates and charges of railroads, motor carriers, and public utilities, is exempt from the provisions of parts 1 through 3.

~~(4) (a) The agency may not withhold, deny, or impose conditions on any permit or other authority to act based on parts 1 through 3 of this chapter.~~

~~(b) Nothing in this subsection (4) prevents a project sponsor and an agency from mutually developing measures that may, at the request of a project sponsor, be incorporated into a permit or other authority to act.~~

~~(c) Parts 1 through 3 of this chapter do not confer authority to an agency that is a project sponsor to modify a proposed project or action.~~

~~(5)~~*(4)* (a) (i) A challenge to an agency's environmental review under this part may only be brought against a ~~final agency action~~ *state action approved in a final* decision *document* and may only be brought in district court or in federal court, whichever is appropriate. A challenge may only be brought by a person who submits formal comments on the agency's environmental review prior to the *issuance of the* agency's final decision *document*, and the challenge must be limited to those issues ~~addressed~~ *raised* in those comments.

(ii) Any action or proceeding challenging a ~~final agency action~~ *state action approved in a final decision document* alleging failure to comply with or inadequate compliance with a requirement under this part must be brought within 60 days of the action that is the subject of the challenge.

(iii) For an action taken by the board of land commissioners or the department of natural resources and conservation under Title 77, "final agency action" means the date that the board of land commissioners or the department of natural resources and conservation issues a final environmental review document under this part or the date that the board approves the action that is subject to this part, whichever is later.

(b) Any action or proceeding under subsection ~~(5)(a)(ii)~~ *(4)(a)(ii)* must take precedence over other cases or matters in the district court unless otherwise provided by law.

(c) Any judicial action or proceeding brought in district court under subsection ~~(5)(a)~~ *(4)(a)* involving an equine slaughter or processing facility must comply with 81-9-240 and 81-9-241.

~~(6)~~*(5)* (a) (i) In an action alleging noncompliance or inadequate compliance with a requirement of parts 1 through 3, including a challenge to an agency's decision that an environmental review is not required or a claim that the environmental review is inadequate, the agency shall compile and submit to the court the certified record of its decision at issue. The agency, prior to submitting the certified record to the court, shall assess and collect from the person challenging the decision a fee to pay for actual costs to compile and submit the certified record. Except as provided in subsection ~~(6)(b)~~ *(5)(b)*, the person challenging the decision has the burden of proving the claim by clear and convincing evidence contained in the record.

~~(ii) An action alleging noncompliance or inadequate compliance with a requirement of parts 1 through 3, including a challenge to an agency's decision that an environmental review is not required or a claim that the environmental review is inadequate based in whole or in part upon greenhouse gas emissions~~

~~and impacts to the climate in Montana or beyond Montana's borders, cannot vacate, void, or delay a lease, permit, license, certificate, authorization, or other entitlement or authority unless the review is required by a federal agency or the United States congress amends the federal Clean Air Act to include carbon dioxide as a regulated pollutant.~~

~~(iii)~~*(ii)* Except as provided in subsection ~~(6)(b)~~ *(5)(b)*, in a challenge to the agency's decision or the adequacy of an environmental review, a court may not consider any information, including but not limited to an issue, comment, argument, proposed alternative, analysis, or evidence, that was not first presented to the agency for the agency's consideration prior to the agency's decision or within the time allowed for comments to be submitted.

~~(iv)~~*(iii)* Except as provided in subsection ~~(6)(b)~~ *(5)(b)*, the court shall confine its review to the record certified by the agency. The court shall affirm the agency's decision or the environmental review unless the court specifically finds that the agency's decision was arbitrary and capricious.

~~(v)~~*(iv)* A customer fiscal impact analysis pursuant to 69-2-216 or an allegation that the customer fiscal impact analysis is inadequate may not be used as the basis of an action challenging or seeking review of the agency's decision.

(b) (i) When a party challenging the decision or the adequacy of the environmental review or decision presents information not in the record certified by the agency, the challenging party shall certify under oath in an affidavit that the information is new, material, and significant evidence that was not publicly available before the agency's decision and that is relevant to the decision or the adequacy of the agency's environmental review.

(ii) If ~~upon~~ *on* reviewing the affidavit the court finds that the proffered information is new, material, and significant evidence that was not publicly available before the agency's decision and that is relevant to the decision or to the adequacy of the agency's environmental review, the court shall remand the new evidence to the agency for the agency's consideration and an opportunity to modify its decision or environmental review before the court considers the evidence as a part of the administrative record under review.

(iii) If the court finds that the information in the affidavit does not meet the requirements of subsection ~~(6)(b)(i)~~ *(5)(b)(i)*, the court may not remand the matter to the agency or consider the proffered information in making its decision.

(c) (i) The remedies provided in this section for successful challenges to a decision of the agency or the adequacy of the statement are exclusive.

(ii) If the court finds that noncompliance has occurred with parts 1 through 3 of this chapter, the court may remand the matter to the agency to correct the noncompliance.

~~(ii)~~*(iii)* Notwithstanding the provisions of 27-19-201 and 27-19-314, a court having considered the pleadings of parties and intervenors opposing a request for a temporary restraining order, preliminary injunction, permanent injunction, *vacatur,* or other equitable relief may not enjoin*, void, nullify, revoke, modify, or suspend* the issuance or effectiveness of a license or permit or a part of a license or permit issued pursuant to Title 75 or Title 82 unless the court specifically finds that the party requesting the relief is more likely than not to prevail on the merits of its complaint given the uncontroverted facts in the record and applicable law and, in the absence of a temporary restraining order, a preliminary injunction, a permanent injunction, *vacatur,* or other equitable relief, that the:

(A) party requesting the relief will suffer irreparable harm in the absence of the relief;

(B) issuance of the relief is in the public interest. In determining whether the grant of the relief is in the public interest, a court:

(I) may not consider the legal nature or character of any party; and

(II) shall consider the implications of the relief on the local and state economy and make written findings with respect to both.

(C) relief is as narrowly tailored as the facts allow to address both the alleged noncompliance and the irreparable harm the party asking for the relief will suffer. In tailoring the relief, the court shall ensure, to the extent possible, that the project or as much of the project as possible can go forward while also providing the relief to which the applicant has been determined to be entitled.

(d) The court may issue a temporary restraining order, preliminary injunction, permanent injunction, or other injunctive relief only if the party seeking the relief provides a written undertaking to the court in an amount reasonably calculated by the court as adequate to pay the costs and damages sustained by any party that may be found to have been wrongfully enjoined or restrained by a court through a subsequent judicial decision in the case, including but not limited to lost wages of employees and lost project revenues for 1 year. If the party seeking an injunction or a temporary restraining order objects to the amount of the written undertaking for any reason, including but not limited to its asserted inability to pay, that party shall file an affidavit with the court that states the party's income, assets, and liabilities in order to facilitate the court's consideration of the amount of the written undertaking that is required. The affidavit must be served on the party enjoined. ~~If a challenge for noncompliance or inadequate compliance with a requirement of parts 1 through 3 seeks to vacate, void, or delay a lease, permit, license, certificate, or other entitlement or authority, the party shall, as an initial matter, seek an injunction related to a lease, permit, license, certificate, or other entitlement or authority, and an~~ *An* injunction may only be issued if the challenger:

(i) proves there is a likelihood of succeeding on the merits;

(ii) proves there is a violation of an established law or regulation on which the lease, permit, license, certificate, or other entitlement or authority is based; and

(iii) subject to the demonstration of the inability to pay, posts the appropriate written undertaking.

(e) An individual or entity seeking a lease, permit, license, certificate, or other entitlement or authority to act may intervene in a lawsuit in court challenging a decision or statement by a department or agency of the state as a matter of right if the individual or entity has not been named as a defendant.

(f) Attorney fees or costs may not be awarded to the prevailing party in an action alleging noncompliance or inadequate compliance with a requirement of parts 1 through 3.

~~(7)~~*(6)* For *the* purposes of judicial review, to the extent that the requirements of this section are inconsistent with the provisions of the National Environmental Policy Act, the requirements of this section apply to an environmental review or any severable portion of an environmental review within the state's jurisdiction that is being prepared by a state agency pursuant to this part in conjunction with a federal agency proceeding pursuant to the National Environmental Policy Act.

~~(8)~~*(7)* The director of the agency responsible for the determination or recommendation shall endorse in writing any determination of significance made under subsection ~~(1)(b)(iv)~~ *(1)(a)(iv)* or any recommendation that a determination of significance be made.

~~(9)~~*(8)* A project sponsor may request a review of the significance determination or recommendation made under subsection ~~(8)~~ *(7)* by the appropriate board, if any. The appropriate board may, at its discretion, submit an advisory recommendation to the agency regarding the issue. The period of time between the request for a review and completion of a review under this subsection may not be included for the purposes of determining compliance with the time limits established for environmental review in 75-1-208."

Section 9. Applicability. [This act] applies to all decisions pending but not decided by a court and cases filed on or after [the effective date of this act].

Approved May 1, 2025

CHAPTER NO. 247

[HB 276]

AN ACT STANDARDIZING SERVICE OF PROCESS FOR PROFESSIONAL LICENSES; PROVIDING FOR ELECTRONIC SERVICE BY CONSENT OF A LICENSEE; PROVIDING FOR A UNIFORM REQUIREMENT FOR CHANGE OF CONTACT INFORMATION; REMOVING DUPLICATIVE AND CONFLICTING PROVISIONS; AMENDING SECTIONS 37-1-309, 37-1-403, 37-4-307, 37-4-406, 37-16-301, AND 37-18-806, AND MCA; AND REPEALING SECTION 37-3-310, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Licensee and license applicant contact information -- notice of change of contact information. (1) A licensee or license applicant shall provide the department the licensee's or license applicant's current address and any change of address within 30 days after the change or upon request by the department.

(2) If consenting to electronic service under 37-1-309 or 37-1-403, a licensee or license applicant shall provide the department a current e-mail address and any change of e-mail address within 30 days after the change or upon request by the department.

Section 2. Section 37-1-309, MCA, is amended to read:

"**37-1-309. Notice -- request for hearing --** ***method of communication and service -- fee.*** (1) If a reasonable cause determination is made pursuant to 37-1-307 that a violation of this part has occurred and the provisions of 37-1-321 do not apply, a notice must be prepared by department legal staff and served on the alleged violator. ~~The notice may be served by certified mail to the current address on file with the board or by other means authorized by the Montana Rules of Civil Procedure.~~ The notice may not allege a violation of a particular statute, rule, or standard unless the board or the board's screening panel, if one has been established, has made a written determination that there are reasonable grounds to believe that the particular statute, rule, or standard has been violated.

~~(2) A licensee or license applicant shall give the board the licensee's or applicant's current address and any change of address within 30 days of the change.~~

~~(3)~~*(2)* The notice must state that the licensee or license applicant may request a hearing to contest the charge or charges. A request for a hearing must be in writing and received in the offices of the department within ~~20~~ *21* days after the licensee's receipt of the notice. Failure to request a hearing constitutes a default on the charge or charges, and the board may enter a decision on the basis of the facts available to it.

(3) The board shall serve a notice or order:

(a) by electronic means, if consented to by the licensee or license applicant;

(b) by certified mail to the most recent address furnished to the agency by the licensee or license applicant; or

(c) by personal service pursuant to the Montana Rules of Civil Procedure, in which case the board may recover all associated fees and costs."

Section 3. Section 37-1-403, MCA, is amended to read:

"**37-1-403. Notice -- request for hearing -- *method of communication and service -- fee.*** (1) If the department determines that reasonable cause exists supporting the allegation made in a complaint and the provisions of 37-1-321 do not apply, the department legal staff shall prepare a notice and serve the alleged violator. ~~The notice may be served by certified mail to the current address on file with the department or by other means authorized by the Montana Rules of Civil Procedure.~~

~~(2) A licensee or license applicant shall give the department the licensee's or applicant's current address and any change of address within 30 days of the change.~~

~~(3)~~*(2)* The notice must state that the licensee or license applicant may request a hearing to contest the charge or charges. A request for a hearing must be in writing and must be received in the offices of the department within ~~20~~ *21* days after the licensee's receipt of the notice. Failure to request a hearing constitutes a default on the charge or charges, and the department may enter a decision on the basis of the facts available to it.

(3) The department shall serve a notice or order:

(a) by electronic means, if consented to by the licensee or license applicant;

(b) by certified mail to the most recent address furnished to the agency by the licensee or license applicant; or

(c) by personal service pursuant to the Montana Rules of Civil Procedure, in which case the department may recover all associated fees and costs."

Section 4. Section 37-4-307, MCA, is amended to read:

"**37-4-307. ~~Notice of name and address change -- local~~ *Local* fees prohibited.** ~~(1) Each dentist shall give the board notice of any change in name, address, or status within 10 days of the change.~~

~~(2)~~ A unit of local government, including those exercising self-government powers, may not impose a license fee on a dentist licensed under this chapter."

Section 5. Section 37-4-406, MCA, is amended to read:

"**37-4-406. ~~Notice of name and address change -- local~~ *Local* fees prohibited.** ~~(1) Each dental hygienist shall give the board notice of any change in name, address, or status within 10 days of the change.~~

~~(2)~~ A unit of local government, including those exercising self-government powers, may not impose a license fee on a dental hygienist licensed under this chapter."

Section 6. Section 37-16-301, MCA, is amended to read:

"**37-16-301. Permanent place of business in state necessary -- records -- ~~notice --~~ designation of licensee in charge.** (1) A licensed hearing aid dispenser must have a permanent place of business in this state.

(2) Each permanent place of business shall designate one licensed hearing aid dispenser who is not a trainee as the person in charge.

(3) The licensed hearing aid dispenser in charge of a permanent place of business shall:

(a) maintain custody and control of the business records of that permanent place of business; *and*

(b) produce the business records as requested by the department~~; and~~

~~(c) notify the department in writing of any change of address in the permanent place of business within 30 days~~."

Section 7. Section 37-18-806, MCA, is amended to read:

"**37-18-806. Veterinary dispensing technicians -- registration requirements -- rulemaking.** (1) A veterinary dispensing technician shall register with the board of veterinary medicine on an annual basis.

(2) The current veterinary dispensing technician license must be conspicuously displayed and in the veterinary retail facility where the veterinary dispensing technician is employed.

(3) A veterinary dispensing technician shall wear a name badge while in the veterinary retail facility that clearly identifies the person as a veterinary dispensing technician.

(4) A veterinary dispensing technician shall inform the board of a change in ~~address or~~ place of employment within 15 days after the change. ~~The board shall subsequently adjust the board's records.~~

(5) The board may adopt rules to implement this section."

Section 8. Repealer. The following section of the Montana Code Annotated is repealed:

37-3-310. Notice of change of address or name -- applicants -- licensees.

Section 9. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 37, chapter 1, part 1, and the provisions of Title 37, chapter 1, part 1, apply to [section 1].

Approved May 1, 2025

CHAPTER NO. 248

[HB 285]

AN ACT GENERALLY REVISING ENVIRONMENTAL LAWS RELATED TO THE POLICY, PURPOSE, INTENT, VENUE, PROCEDURES, AND CONSTITUTIONAL CONSIDERATIONS OF THE MONTANA ENVIRONMENTAL POLICY ACT; ELIMINATING CERTAIN LAWS ON POLICIES, GOALS, CONSTITUTIONAL DETERMINATIONS, AND VENUES OF THE MONTANA ENVIRONMENTAL POLICY ACT; ESTABLISHING THE REVISED POLICY, PURPOSE, AND INTENT OF THE ACT AND THE PURPOSE OF ENVIRONMENTAL ANALYSIS; REAFFIRMING EXISTING LAW THAT THE MONTANA ENVIRONMENTAL POLICY ACT IS PROCEDURAL; PROVIDING THAT A PLAINTIFF HAS THE BURDEN OF ESTABLISHING THE UNCONSTITUTIONALITY OF THE UNDERLYING STATUTE FOR LICENSING OR PERMITTING DECISIONS OR ACTIVITIES UNDER TITLES 75 OR 82; PROVIDING THAT VENUE IN DISTRICT COURT MUST BE IN THE COUNTY WHERE THE ACTIVITY SUBJECT TO THE PROCEEDING IS PROPOSED TO OCCUR OR WILL OCCUR; AMENDING SECTIONS 5-16-102, 75-1-102, 75-1-104, 75-1-106, 75-1-201, 75-1-208, AND 75-1-324, MCA; REPEALING SECTIONS 75-1-103, 75-1-105, 75-1-107, AND 75-1-108, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the Department of Environmental Quality convened a multidisciplinary work group to review and recommend updates to the Montana Environmental Policy Act (MEPA) during the summer of 2024. That work group recommended that the Legislature confirm the importance of MEPA as a valuable data gathering and analytical tool intended to provide sound and

objective information to the public, agency decisionmakers, and lawmakers as each strives to make fully informed decisions; and

WHEREAS, Article II, section 3, of the Montana Constitution enumerates inalienable rights, including the right to a clean and healthful environment, rights to pursue life's basic necessities, rights to enjoy and defend their lives and liberties, rights to acquire, possess, and protect property, and rights to seek safety, health, and happiness in all lawful ways, and neither the Constitution nor the Legislature through the passage of MEPA has identified a prioritization of one right over any other. As such, MEPA requires a balanced view of competing social, economic, and environmental goals and potential impacts in order to promote the overall health, safety, and welfare of Montanans; and

WHEREAS, the Legislature and the Supreme Court are in agreement that MEPA is purely procedural in nature and intended to foster more informed decisionmaking on state actions, and that the process is intended to provide a transparent public forum in which to analyze and disclose potential significant impacts to Montana's environment and to provide a clearer understanding of the rationale behind state permitting decisions; and

WHEREAS, the Legislature has made the act's intent clear in "A Guide to the Montana Environmental Policy Act," which states that "MEPA is not an act that controls or sets regulations for any specific land or resource use. It is not a preservation, wilderness, or antidevelopment act. It is not a device for preventing industrial or agricultural development. If implemented correctly and efficiently, MEPA should encourage and foster economic development that is environmentally and socially sound. By taking the time to identify the environmental impacts of a state decision before the decision is made and including the public in the process, MEPA is intended to foster better decisionmaking for people and the environment"; and

WHEREAS, the permissibility of environmental impacts is not determined by MEPA, but through compliance with standards and criteria adopted under the authority granted by the Legislature in substantive environmental statutes. As such, MEPA is not intended to force, hinder, or preclude particular outcomes or decisions, and the statute has no independent regulatory authority, and no means to withhold, deny, or modify permits independently administered under Montana's substantive environmental regulations; and

WHEREAS, Article IX, section 1, of the Montana Constitution clearly assigns the Legislature with the responsibility to administer and enforce a system of laws to protect the environment against unreasonable degradation, and the Legislature has duly enacted substantive statutes to provide these environmental protections. The following statutes and attending rules establish requirements for predictive analysis to satisfy the "anticipatory and preventative" test established by the Supreme Court:

Montana Clean Indoor Air Act of 1979, Title 50, chapter 40, part 1;

Clean Air Act of Montana, Title 75, chapter 2, parts 1 through 4;

Water Quality, Title 75, chapter 5;

The Natural Streambed and Land Preservation Act of 1975, Title 75, chapter 7, part 1;

The Montana Solid Waste Management Act, Title 75, chapter 10, part 2;

Montana Hazardous Waste Act, Title 75, chapter 10, part 4;

Comprehensive Environmental Cleanup and Responsibility Act, Title 75, chapter 10, part 7;

Montana Underground Storage Tank Installer and Inspector Licensing and Permitting Act, Title 75, chapter 11, part 2;

Montana Underground Storage Tank Act, Title 75, chapter 11, part 5;

Montana Major Facility Siting Act, Title 75, chapter 20;

Open-Space Land and Voluntary Conservation Easement Act, Title 76, chapter 6;

Environmental Control Easement Act, Title 76, chapter 7;

The Strip and Underground Mine Siting Act, Title 82, chapter 4, part 1;

The Montana Strip and Underground Mine Reclamation Act, Title 82, chapter 4, part 2;

The Opencut Mining Act, Title 82, chapter 4, part 4;

The Nongame and Endangered Species Conservation Act, Title 87, chapter 5, part 1;

Each of these independent statutes relies on scientific analysis and informed permitting decisions to anticipate, avoid, minimize, or mitigate significant impacts to Montana's environment.

WHEREAS, in Bitterrooters for Planning, Inc. v. Montana Department of Environmental Quality, 2017 MT 222, 388 Mont. 453, 401 P.3d 712, the Supreme Court stated, "an agency action is a legal cause of an environmental effect only if the agency can prevent the effect through the lawful exercise of its independent authority"; therefore, a challenge brought under MEPA must be limited to deficiencies in analysis or disclosure in areas where legislative direction has been provided to agencies through substantive environmental statutes; and

WHEREAS, the 69th Legislature affirms the intent of the 42nd Legislature, which expressed the following statements and positions while passing MEPA into law in 1971: "A major conservation challenge today is to achieve needed development and use of our natural resources while concurrently protecting and enhancing the quality of our environment. MEPA seeks that often elusive middle ground between purely preservationist philosophy and purely exploitive philosophy, and indeed we must soon find that middle ground. As we guide Montana's development, we must use scientific, technological, and sociological expertise."

Be it enacted by the Legislature of the State of Montana:

Section 1. Policy -- intent -- purpose of environmental analysis. (1) (a) The purpose of requiring an environmental assessment or an environmental impact statement under part 2 of this chapter is to assist the legislature in determining whether environmental regulations are adequate to address impacts to Montana's environment and to inform the public and public officials of potential impacts resulting from a proposed action made by a state agency.

(b) It is not the purpose of parts 1 through 3 of this chapter to provide additional regulatory authority to a state agency.

(2) (a) The policies and goals set forth in parts 1 through 3 of this chapter are intended to provide a public forum in which to analyze and disclose potential significant impacts on Montana's environment from proposed actions.

(b) Parts 1 through 3 of this chapter require a balanced view of competing social, economic, and environmental goals and potential impacts in order to promote the overall health, safety, and welfare of Montanans.

(3) (a) An agency may not withhold, deny, or impose conditions on any permit or other authority to act based on parts 1 through 3 of this chapter.

(b) Nothing in this subsection (3) may prevent a project sponsor and an agency from mutually developing measures that may, at the request of a project sponsor, be incorporated into a permit or other authority to act.

(c) Parts 1 through 3 of this chapter do not confer authority to an agency that is a project sponsor to modify a proposed project or action.

Section 2. Constitutionality -- venue. (1) In an action filed in district court invoking the court's original jurisdiction to challenge the constitutionality of a licensing or permitting decision made pursuant to Titles 75 or 82 or activities taken pursuant to a license or permit issued under Titles 75 or 82, the plaintiff shall first establish the unconstitutionality of the underlying statute.

(2) A proceeding in district court to challenge an action taken pursuant to parts 1 through 3, 10, and 11 of this chapter must be held in the county where the activity subject to the proceeding is proposed to occur or will occur.

Section 3. Section 5-16-102, MCA, is amended to read:

"**5-16-102. Qualifications.** (1) In considering the appointments under 5-16-101(2) and (3), consideration must be given to the appointees' qualifications to:

(a) analyze and interpret environmental trends and information of all kinds;

(b) appraise programs and activities of the state government in the light of the ~~policy set forth in 75-1-103~~ *policies set forth in Title 75, chapter 1, parts 1 through 3*;

(c) be conscious of and responsive to the scientific, economic, social, aesthetic, and cultural needs and interests of the state; and

(d) formulate and recommend state policies to promote the improvement of the quality of the environment.

(2) At least 50% of the members appointed pursuant to 5-16-101(2) must be selected from the standing committees that consider issues within the jurisdiction of the environmental quality council."

Section 4. Section 75-1-102, MCA, is amended to read:

"**75-1-102. Intent -- purpose *or procedural policy*.** (1) ~~The legislature, mindful of its constitutional obligations under Article II, section 3, and Article IX of the Montana constitution, has enacted the Montana Environmental Policy Act.~~ The Montana Environmental Policy Act is procedural, and it is the legislature's intent that the requirements of parts 1 through 3 of this chapter provide for the adequate review of ~~state~~ *proposed* actions in order to ensure that:

(a) *an assessment of* environmental attributes ~~are fully considered by the legislature in enacting laws to fulfill constitutional obligations~~ *is conducted and made available for the legislature to fully review in order to determine the appropriateness of potential and existing regulations*; and

(b) the public is informed of the anticipated impacts in Montana of ~~potential state~~ *proposed* actions.

(2) The purpose of parts 1 through 3 of this chapter is to declare a state policy that ~~will encourage productive and enjoyable harmony between~~ *provides for an adequate assessment of the relationship between* humans and their environment, ~~to protect~~ *protects* the right to use and enjoy private property free of undue government regulation, ~~to promote efforts that will prevent, mitigate, or eliminate damage to the environment and biosphere and stimulate~~ *discloses proposed actions to avoid, minimize, or mitigate environmental impacts in accordance with existing regulations, stimulates* the health and welfare of humans, ~~to enrich~~ *enriches* the understanding of the ecological systems and natural resources important to the state, and ~~to establish~~ *establishes* an environmental quality council.

~~(3) (a) The purpose of requiring an environmental assessment and an environmental impact statement under part 2 of this chapter is to assist the legislature in determining whether laws are adequate to address impacts to Montana's environment and to inform the public and public officials of potential impacts resulting from decisions made by state agencies.~~

~~(b) Except to the extent that an applicant agrees to the incorporation of measures in a permit pursuant to 75-1-201(4)(b), it is not the purpose of parts 1 through 3 of this chapter to provide for regulatory authority, beyond authority explicitly provided for in existing statute, to a state agency.~~"

Section 5. Section 75-1-104, MCA, is amended to read:

"**75-1-104. Specific statutory obligations unimpaired.** ~~Sections 75-1-103 and 75-1-201 do~~ *Section 75-1-201 does* not affect the specific statutory obligations of any agency of the state to:

(1) comply with criteria or standards of environmental quality *established in Montana law*; *or*

(2) coordinate or consult with any local government, other state agency, or federal agency~~; or~~

~~(3) act or refrain from acting contingent upon the recommendations or certification of any other state or federal agency~~."

Section 6. Section 75-1-106, MCA, is amended to read:

"**75-1-106. Private property protection -- ongoing programs of state government.** Nothing in ~~75-1-102, 75-1-103, or 75-1-201~~ *this chapter* expands or diminishes private property protection afforded in the U.S. or Montana constitutions. ~~Nothing in 75-1-102, 75-1-103, or 75-1-201 may be construed to preclude ongoing programs of state government pending the completion of any statements that may be required by 75-1-102, 75-1-103, or 75-1-201.~~"

Section 7. Section 75-1-201, MCA, is amended to read:

"**75-1-201. General directions -- environmental impact statements.** (1) The legislature authorizes and directs that, to the fullest extent possible:

(a) ~~the policies, regulations, and laws of the state must be interpreted and administered in accordance with the policies set forth in parts 1 through 3;~~

~~(b)~~ under this part, all agencies of the state, except the legislature and except as provided in subsections (2) and (3), shall:

(i) use a systematic, interdisciplinary approach that ~~will~~ *must* ensure:

(A) the integrated use of the natural and social sciences and the environmental design arts in planning and ~~in decisionmaking for~~ *assessing* a state-sponsored project that may have an impact on ~~the Montana human~~ *Montana's* environment by projects in Montana; and

(B) that in any environmental review that is not subject to subsection ~~(1)(b)(iv)~~ *(1)(a)(iv)*, when an agency considers alternatives, the alternative analysis ~~will~~ *must* be in compliance with the provisions of subsections ~~(1)(b)(iv)(C)(I) and (1)(b)(iv)(C)(II)~~ *(1)(a)(iv)(C)(I) and (1)(a)(iv)(C)(II)* and, if requested by the project sponsor or if determined by the agency to be necessary, subsection ~~(1)(b)(iv)(C)(III)~~ *(1)(a)(iv)(C)(III)*;

(ii) identify and develop methods and procedures that ~~will~~ ensure that presently unquantified environmental amenities ~~and values~~ may be given appropriate consideration ~~in decisionmaking~~ *and assessment* for state-sponsored projects~~, along with economic and technical considerations~~;

(iii) identify and develop methods and procedures that ~~will~~ ensure that state government actions that may impact ~~the human~~ *Montana's* environment ~~in Montana~~ are evaluated for regulatory restrictions on private property, as provided in subsection ~~(1)(b)(iv)(D)~~ *(1)(a)(iv)(D)*;

(iv) include in each recommendation or report on proposals for projects, programs, and other major actions of state government significantly affecting the quality of ~~the human environment in Montana~~ *Montana's environment* a detailed statement on:

(A) the environmental impact of the proposed action;

(B) any adverse effects on Montana's environment that cannot be avoided if the proposal is implemented;

(C) alternatives to the proposed action. An analysis of any alternative included in the environmental review must comply with the following criteria:

(I) any alternative proposed must be reasonable, in that the alternative must be achievable under current technology and the alternative must be economically feasible as determined solely by the economic viability for similar projects having similar conditions and physical locations and determined without regard to the economic strength of the specific project sponsor;

(II) the agency proposing the alternative shall consult with the project sponsor regarding any proposed alternative, and the agency shall give due weight and consideration to the project sponsor's comments regarding the proposed alternative;

(III) the agency shall complete a meaningful no-action alternative analysis. The no-action alternative analysis must include the projected beneficial and adverse environmental, social, and economic impact of the project's noncompletion.

(D) any regulatory impacts on private property rights, including whether alternatives that reduce, minimize, or eliminate the regulation of private property rights have been analyzed. The analysis in this subsection ~~(1)(b)(iv)(D)~~ *(1)(a)(iv)(D)* need not be prepared if the proposed action does not involve the regulation of private property.

~~(E) the relationship between local short-term uses of the Montana human environment and the maintenance and enhancement of long-term productivity;~~

~~(F)~~*(E)* any irreversible and irretrievable commitments of resources that would be involved in the proposed action if it is implemented;

~~(G)~~*(F)* the customer fiscal impact analysis, if required by 69-2-216; and

~~(H)~~*(G)* the details of the beneficial aspects of the proposed project, both short-term and long-term, and the economic advantages and disadvantages of the proposal;

(v) in accordance with the criteria set forth in subsection ~~(1)(b)(iv)(C)~~ *(1)(a)(iv)(C)*, study, develop, and describe appropriate alternatives to recommend courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources. If the alternatives analysis is conducted for a project that is not a state-sponsored project and alternatives are recommended, the project sponsor may volunteer to implement the alternative. ~~Neither the~~ *The* alternatives analysis ~~nor~~ *or* the resulting recommendations *may not* bind the project sponsor to take a recommended course of action~~, but the project sponsor may agree pursuant to subsection (4)(b) to a specific course of action.~~

~~(vi) recognize the potential long-range character of environmental impacts in Montana and, when consistent with the policies of the state, lend appropriate support to initiatives, resolutions, and programs designed to maximize cooperation in anticipating and preventing a decline in the quality of Montana's environment;~~

~~(vii)~~*(vi)* make available to counties, municipalities, institutions, and individuals advice and information useful in restoring, maintaining, and enhancing the quality of Montana's environment;

~~(viii)~~*(vii)* initiate and use ecological information in the planning and development of resource-oriented projects; and

~~(ix)~~*(viii)* assist the legislature and the environmental quality council established by 5-16-101;

~~(c)~~*(b)* prior to making any detailed statement as provided in subsection ~~(1)(b)(iv)~~ *(1)(a)(iv)*, the responsible state official shall consult with and ~~obtain~~ *request* the comments of any state agency that has jurisdiction by law or special expertise with respect to any environmental impact involved in

Montana and with any Montana local government, as defined in 7-12-1103, that may be directly impacted by the project. The responsible state official shall also consult with and ~~obtain~~ *request* comments from any state agency in Montana with respect to any regulation of private property involved. Copies of the statement and the comments ~~and views~~ of the appropriate state, federal, and local agencies that are authorized to develop and enforce environmental standards must be made available to the governor, the environmental quality council, and the public and must accompany the proposal through the existing agency review processes.

~~(d)~~*(c)* a transfer of an ownership interest in a lease, permit, license, certificate, or other entitlement for use or permission to act by an agency, either singly or in combination with other state agencies, does not trigger review under subsection ~~(1)(b)(iv)~~ *(1)(a)(iv)* if there is not a material change in terms or conditions of the entitlement or unless otherwise provided by law.

~~(2) (a) Except as provided in subsection (2)(b), an environmental review conducted pursuant to subsection (1) may not include an evaluation of greenhouse gas emissions and corresponding impacts to the climate in the state or beyond the state's borders.~~

~~(b) An environmental review conducted pursuant to subsection (1) may include an evaluation if:~~

~~(i) conducted jointly by a state agency and a federal agency to the extent the review is required by the federal agency; or~~

~~(ii) the United States congress amends the federal Clean Air Act to include carbon dioxide emissions as a regulated pollutant.~~

~~(3)~~*(2)* The department of public service regulation, in the exercise of its regulatory authority over rates and charges of railroads, motor carriers, and public utilities, is exempt from the provisions of parts 1 through 3.

~~(4) (a) The agency may not withhold, deny, or impose conditions on any permit or other authority to act based on parts 1 through 3 of this chapter.~~

~~(b) Nothing in this subsection (4) prevents a project sponsor and an agency from mutually developing measures that may, at the request of a project sponsor, be incorporated into a permit or other authority to act.~~

~~(c) Parts 1 through 3 of this chapter do not confer authority to an agency that is a project sponsor to modify a proposed project or action.~~

~~(5)~~*(3)* (a) (i) A challenge to an agency's environmental review under this part may only be brought against a ~~final agency action~~ *state action approved in a final* decision *document* and may only be brought in district court or in federal court, whichever is appropriate. A challenge may only be brought by a person who submits formal comments on the agency's environmental review prior to the *issuance of the* agency's final decision *document*, and the challenge must be limited to those issues ~~addressed~~ *raised* in those comments.

(ii) Any action or proceeding challenging a ~~final agency action~~ *state action approved in a final decision document* alleging failure to comply with or inadequate compliance with a requirement under this part must be brought within 60 days of the action that is the subject of the challenge.

(iii) For an action taken by the board of land commissioners or the department of natural resources and conservation under Title 77, "final agency action" means the date that the board of land commissioners or the department of natural resources and conservation issues a final environmental review document under this part or the date that the board approves the action that is subject to this part, whichever is later.

(b) Any action or proceeding under subsection ~~(5)(a)(ii)~~ *(3)(a)(ii)* must take precedence over other cases or matters in the district court unless otherwise provided by law.

(c) Any judicial action or proceeding brought in district court under subsection ~~(5)(a)~~ *(3)(a)* involving an equine slaughter or processing facility must comply with 81-9-240 and 81-9-241.

~~(6)~~*(4)* (a) (i) In an action alleging noncompliance or inadequate compliance with a requirement of parts 1 through 3, including a challenge to an agency's decision that an environmental review is not required or a claim that the environmental review is inadequate, the agency shall compile and submit to the court the certified record of its decision at issue. The agency, prior to submitting the certified record to the court, shall assess and collect from the person challenging the decision a fee to pay for actual costs to compile and submit the certified record. Except as provided in subsection ~~(6)(b)~~ *(4)(b)*, the person challenging the decision has the burden of proving the claim by clear and convincing evidence contained in the record.

~~(ii) An action alleging noncompliance or inadequate compliance with a requirement of parts 1 through 3, including a challenge to an agency's decision that an environmental review is not required or a claim that the environmental review is inadequate based in whole or in part upon greenhouse gas emissions and impacts to the climate in Montana or beyond Montana's borders, cannot vacate, void, or delay a lease, permit, license, certificate, authorization, or other entitlement or authority unless the review is required by a federal agency or the United States congress amends the federal Clean Air Act to include carbon dioxide as a regulated pollutant.~~

~~(iii)~~*(ii)* Except as provided in subsection ~~(6)(b)~~ *(4)(b)*, in a challenge to the agency's decision or the adequacy of an environmental review, a court may not consider any information, including but not limited to an issue, comment, argument, proposed alternative, analysis, or evidence, that was not first presented to the agency for the agency's consideration prior to the agency's decision or within the time allowed for comments to be submitted.

~~(iv)~~*(iii)* Except as provided in subsection ~~(6)(b)~~ *(4)(b)*, the court shall confine its review to the record certified by the agency. The court shall affirm the agency's decision or the environmental review unless the court specifically finds that the agency's decision was arbitrary and capricious.

~~(v)~~*(iv)* A customer fiscal impact analysis pursuant to 69-2-216 or an allegation that the customer fiscal impact analysis is inadequate may not be used as the basis of an action challenging or seeking review of the agency's decision.

(b) (i) When a party challenging the decision or the adequacy of the environmental review or decision presents information not in the record certified by the agency, the challenging party shall certify under oath in an affidavit that the information is new, material, and significant evidence that was not publicly available before the agency's decision and that is relevant to the decision or the adequacy of the agency's environmental review.

(ii) If ~~upon~~ *on* reviewing the affidavit the court finds that the proffered information is new, material, and significant evidence that was not publicly available before the agency's decision and that is relevant to the decision or to the adequacy of the agency's environmental review, the court shall remand the new evidence to the agency for the agency's consideration and an opportunity to modify its decision or environmental review before the court considers the evidence as a part of the administrative record under review.

(iii) If the court finds that the information in the affidavit does not meet the requirements of subsection ~~(6)(b)(i)~~ *(4)(b)(i)*, the court may not remand the matter to the agency or consider the proffered information in making its decision.

(c) (i) The remedies provided in this section for successful challenges to a decision of the agency or the adequacy of the statement are exclusive.

(ii) Notwithstanding the provisions of 27-19-201 and 27-19-314, a court having considered the pleadings of parties and intervenors opposing a request for a temporary restraining order, preliminary injunction, permanent injunction, or other equitable relief may not enjoin the issuance or effectiveness of a license or permit or a part of a license or permit issued pursuant to Title 75 or Title 82 unless the court specifically finds that the party requesting the relief is more likely than not to prevail on the merits of its complaint given the uncontroverted facts in the record and applicable law and, in the absence of a temporary restraining order, a preliminary injunction, a permanent injunction, or other equitable relief, that the:

(A) party requesting the relief will suffer irreparable harm in the absence of the relief;

(B) issuance of the relief is in the public interest. In determining whether the grant of the relief is in the public interest, a court:

(I) may not consider the legal nature or character of any party; and

(II) shall consider the implications of the relief on the local and state economy and make written findings with respect to both.

(C) relief is as narrowly tailored as the facts allow to address both the alleged noncompliance and the irreparable harm the party asking for the relief will suffer. In tailoring the relief, the court shall ensure, to the extent possible, that the project or as much of the project as possible can go forward while also providing the relief to which the applicant has been determined to be entitled.

(d) The court may issue a temporary restraining order, preliminary injunction, permanent injunction, or other injunctive relief only if the party seeking the relief provides a written undertaking to the court in an amount reasonably calculated by the court as adequate to pay the costs and damages sustained by any party that may be found to have been wrongfully enjoined or restrained by a court through a subsequent judicial decision in the case, including but not limited to lost wages of employees and lost project revenues for 1 year. If the party seeking an injunction or a temporary restraining order objects to the amount of the written undertaking for any reason, including but not limited to its asserted inability to pay, that party shall file an affidavit with the court that states the party's income, assets, and liabilities in order to facilitate the court's consideration of the amount of the written undertaking that is required. The affidavit must be served on the party enjoined. If a challenge for noncompliance or inadequate compliance with a requirement of parts 1 through 3 seeks to vacate, void, or delay a lease, permit, license, certificate, or other entitlement or authority, the party shall, as an initial matter, seek an injunction related to a lease, permit, license, certificate, or other entitlement or authority, and an injunction may only be issued if the challenger:

(i) proves there is a likelihood of succeeding on the merits;

(ii) proves there is a violation of an established law or regulation on which the lease, permit, license, certificate, or other entitlement or authority is based; and

(iii) subject to the demonstration of the inability to pay, posts the appropriate written undertaking.

(e) An individual or entity seeking a lease, permit, license, certificate, or other entitlement or authority to act may intervene in a lawsuit in court challenging a decision or statement by a department or agency of the state as a matter of right if the individual or entity has not been named as a defendant.

(f) Attorney fees or costs may not be awarded to the prevailing party in an action alleging noncompliance or inadequate compliance with a requirement of parts 1 through 3.

~~(7)~~*(5)* For *the* purposes of judicial review, to the extent that the requirements of this section are inconsistent with the provisions of the National Environmental Policy Act, the requirements of this section apply to an environmental review or any severable portion of an environmental review within the state's jurisdiction that is being prepared by a state agency pursuant to this part in conjunction with a federal agency proceeding pursuant to the National Environmental Policy Act.

~~(8)~~*(6)* The director of the agency responsible for the determination or recommendation shall endorse in writing any determination of significance made under subsection ~~(1)(b)(iv)~~ *(1)(a)(iv)* or any recommendation that a determination of significance be made.

~~(9)~~*(7)* A project sponsor may request a review of the significance determination or recommendation made under subsection ~~(8)~~ *(6)* by the appropriate board, if any. The appropriate board may, at its discretion, submit an advisory recommendation to the agency regarding the issue. The period of time between the request for a review and completion of a review under this subsection may not be included for the purposes of determining compliance with the time limits established for environmental review in 75-1-208."

Section 8. Section 75-1-208, MCA, is amended to read:

"**75-1-208. Environmental review procedure.** (1) (a) Except as provided in 75-1-205(4) and subsection (1)(b) of this section, an agency shall comply with this section when completing any environmental review required under this part.

(b) To the extent that the requirements of this section are inconsistent with federal requirements, the requirements of this section do not apply to an environmental review that is being prepared jointly by a state agency pursuant to this part and a federal agency pursuant to the National Environmental Policy Act or to an environmental review that must comply with the requirements of the National Environmental Policy Act.

(2) (a) Except as provided in subsection (2)(b), a project sponsor may, after providing a 30-day notice, appear before the environmental quality council at any regularly scheduled meeting to discuss issues regarding the agency's environmental review of the project. The environmental quality council shall ensure that the appropriate agency personnel are available to answer questions.

(b) If the primary concern of the agency's environmental review of a project is the quality or quantity of water, a project sponsor may, after providing a 30-day notice, appear before the water policy committee established in 5-5-231 at any regularly scheduled meeting to discuss issues regarding the agency's environmental review of the project. The water policy committee shall ensure that the appropriate agency personnel are available to answer questions.

(3) If a project sponsor experiences problems in dealing with the agency or any consultant hired by the agency regarding an environmental review, the project sponsor may submit a written request to the agency director requesting a meeting to discuss the issues. The written request must sufficiently state the issues to allow the agency to prepare for the meeting. If the issues remain unresolved after the meeting with the agency director, the project sponsor may submit a written request to appear before the appropriate board, if any, to discuss the remaining issues. A written request to the appropriate board must sufficiently state the issues to allow the agency and the board to prepare for the meeting.

(4) (a) Subject to the requirements of subsection (5), to ensure a timely completion of the environmental review process, an agency is subject to the time limits listed in this subsection (4) unless other time limits are provided by law. All time limits are measured from the date the agency receives a complete application. An agency has:

(i) 60 days to complete a public scoping process, if any;

(ii) 90 days to complete an environmental review unless a detailed statement pursuant to ~~75-1-201(1)(b)(iv)~~ *75-1-201(1)(a)(iv)* or 75-1-205(4) is required; and

(iii) 180 days to complete a detailed statement pursuant to ~~75-1-201(1)(b)(iv)~~ *75-1-201(1)(a)(iv)*.

(b) The period of time between the request for a review by a board and the completion of a review by a board under ~~75-1-201(9)~~ *75-1-201(7)* or subsection (10) of this section may not be included for the purposes of determining compliance with the time limits established for conducting an environmental review under this subsection or the time limits established for permitting in 75-2-211, 75-2-218, 75-20-216, 75-20-231, 76-4-114, 82-4-122, 82-4-231, 82-4-337, and 82-4-432.

(5) An agency may extend the time limits in subsection (4) by notifying the project sponsor in writing that an extension is necessary and stating the basis for the extension. The agency may extend the time limit one time, and the extension may not exceed 50% of the original time period as listed in subsection (4). After one extension, the agency may not extend the time limit unless the agency and the project sponsor mutually agree to the extension.

(6) If the project sponsor disagrees with the need for the extension, the project sponsor may request that the appropriate board, if any, conduct a review of the agency's decision to extend the time period. The appropriate board may, at its discretion, submit an advisory recommendation to the agency regarding the issue.

(7) (a) Except as provided in subsection (7)(b), if an agency has not completed the environmental review by the expiration of the original or extended time period, the agency may not withhold a permit or other authority to act unless the agency makes a written finding that there is a likelihood that permit issuance or other approval to act would result in the violation of a statutory or regulatory requirement.

(b) Subsection (7)(a) does not apply to a permit granted under Title 75, chapter 2, or under Title 82, chapter 4, parts 1 and 2.

(8) Under this part, an agency may only request information from the project sponsor that is relevant to the environmental review required under this part.

(9) An agency shall ensure that the notification for any public scoping process associated with an environmental review conducted by the agency is presented in an objective and neutral manner and that the notification does not speculate on the potential impacts of the project.

(10) An agency may not require the project sponsor to provide engineering designs in greater detail than that necessary to fairly evaluate the proposed project. The project sponsor may request that the appropriate board, if any, review an agency's request regarding the level of design detail information that the agency believes is necessary to conduct the environmental review. The appropriate board may, at its discretion, submit an advisory recommendation to the agency regarding the issue.

(11) An agency shall, when appropriate, evaluate the cumulative impacts of a proposed project. However, related future actions may only be considered when these actions are under concurrent consideration by any agency through

preimpact statement studies, separate impact statement evaluations, or permit processing procedures."

Section 9. Section 75-1-324, MCA, is amended to read:

"**75-1-324. Duties of environmental quality council.** The environmental quality council shall:

(1) gather timely and authoritative information concerning the conditions and trends in the quality of the environment, both current and prospective, analyze and interpret the information for the purpose of determining whether the conditions and trends are interfering or are likely to interfere with the achievement of the policy set forth in ~~75-1-103~~ *this chapter*, and compile and submit to the governor and the legislature studies relating to the conditions and trends;

(2) review and appraise the various programs and activities of the state agencies, in the light of the policy set forth in ~~75-1-103~~ *this chapter*, for the purpose of determining the extent to which the programs and activities are contributing to the achievement of the policy and make recommendations to the governor and the legislature with respect to the policy;

(3) develop and recommend to the governor and the legislature state policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the state;

(4) conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(5) document and define changes in the natural environment, including the plant and animal systems, and accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(6) make and furnish studies, reports on studies, and recommendations with respect to matters of policy and legislation as the legislature requests;

(7) analyze legislative proposals in clearly environmental areas and in other fields in which legislation might have environmental consequences and assist in preparation of reports for use by legislative committees, administrative agencies, and the public;

(8) consult with and assist legislators who are preparing environmental legislation to clarify any deficiencies or potential conflicts with an overall ecologic plan;

(9) review and evaluate operating programs in the environmental field in the several agencies to identify actual or potential conflicts, both among the activities and with a general ecologic perspective, and suggest legislation to remedy the situations; and

(10) except as provided in 5-5-231, perform the administrative rule review, draft legislation review, program evaluation, and monitoring functions of an interim committee for the following executive branch agencies and the entities attached to the agencies for administrative purposes:

(a) department of environmental quality;

(b) department of fish, wildlife, and parks; and

(c) department of natural resources and conservation."

Section 10. Repealer. The following sections of the Montana Code Annotated are repealed:

75-1-103. Policy.
75-1-105. Policies and goals supplementary.
75-1-107. Determination of constitutionality.
75-1-108. Venue.

Section 11. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 75, chapter 1, part 1, and the provisions of Title 75, chapter 1, part 1, apply to [sections 1 and 2].

Section 12. Coordination instruction. If both Senate Bill No. 221 and [this act] are passed and approved and if both contain a section that amends 75-1-201, then the sections amending 75-1-201 are void and 75-1-201 must be amended as follows:

"**75-1-201. General directions -- environmental impact statements.** (1) The legislature authorizes and directs that, to the fullest extent possible:

(a) ~~the policies, regulations, and laws of the state must be interpreted and administered in accordance with the policies set forth in parts 1 through 3;~~

~~(b)~~ under this part, all agencies of the state, except the legislature and except as provided in ~~subsections (2) and~~ *subsection* (3), shall:

(i) use a systematic, interdisciplinary approach that ~~will~~ *must* ensure:

(A) the integrated use of the natural and social sciences and the environmental design arts in planning and ~~in decisionmaking for~~ *assessing* a state-sponsored project that may have an impact on ~~the Montana human~~ *Montana's* environment by projects in Montana; and

(B) that in any environmental review that is not subject to subsection ~~(1)(b)(iv)~~ *(1)(a)(iv)*, when an agency considers alternatives, the alternative analysis ~~will~~ *must* be in compliance with the provisions of subsections ~~(1)(b)(iv)(C)(I) and (1)(b)(iv)(C)(II)~~ *(1)(a)(iv)(C)(I) and (1)(a)(iv)(C)(II)* and, if requested by the project sponsor or if determined by the agency to be necessary, subsection ~~(1)(b)(iv)(C)(III)~~ *(1)(a)(iv)(C)(III)*;

(ii) identify and develop methods and procedures that ~~will~~ ensure that presently unquantified environmental amenities ~~and values~~ may be given appropriate consideration ~~in decisionmaking~~ *and assessment* for state-sponsored projects~~, along with economic and technical considerations~~;

(iii) identify and develop methods and procedures that ~~will~~ ensure that state government actions that may impact ~~the human~~ *Montana's* environment ~~in Montana~~ are evaluated for regulatory restrictions on private property, as provided in subsection ~~(1)(b)(iv)(D)~~ *(1)(a)(iv)(D)*;

(iv) include in each recommendation or report on proposals for projects, programs, and other major actions of state government significantly affecting the quality of ~~the human environment in Montana~~ *Montana's environment* a detailed statement on:

(A) the *proximate* environmental ~~impact~~ *impacts* of the proposed action;

(B) any *proximate* adverse effects on Montana's environment that cannot be avoided if the ~~proposal~~ *proposed action* is implemented;

(C) alternatives to the proposed action. An analysis of any alternative included in the environmental review must comply with the following criteria:

(I) any alternative proposed must be reasonable, in that the alternative must be achievable under current technology and the alternative must be economically feasible as determined solely by the economic viability for similar projects having similar conditions and physical locations and determined without regard to the economic strength of the specific project sponsor;

(II) the agency proposing the alternative shall consult with the project sponsor regarding any proposed alternative, and the agency shall give due weight and consideration to the project sponsor's comments regarding the proposed alternative;

(III) the agency shall complete a meaningful no-action alternative analysis. The no-action alternative analysis must include the projected beneficial

and adverse environmental, social, and economic impact of the project's noncompletion.

(D) any regulatory impacts on private property rights, including whether alternatives that reduce, minimize, or eliminate the regulation of private property rights have been analyzed. The analysis in this subsection ~~(1)(b)(iv)(D)~~ *(1)(a)(iv)(D)* need not be prepared if the proposed action does not involve the regulation of private property.

~~(E) the relationship between local short-term uses of the Montana human environment and the maintenance and enhancement of long-term productivity;~~

~~(F)~~*(E)* any irreversible and irretrievable commitments of resources that would be involved in the proposed action if it is implemented;

~~(G)~~*(F)* the customer fiscal impact analysis, if required by 69-2-216; and

~~(H)~~*(G)* the details of the beneficial aspects of the proposed project, both short-term and long-term, and the economic advantages and disadvantages of the proposal;

(v) in accordance with the criteria set forth in subsection ~~(1)(b)(iv)(C)~~ *(1)(a)(iv)(C)*, study, develop, and describe appropriate alternatives to recommend courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources. If the alternatives analysis is conducted for a project that is not a state-sponsored project and alternatives are recommended, the project sponsor may volunteer to implement the alternative. ~~Neither the~~ *The* alternatives analysis ~~nor~~ *or* the resulting recommendations *may not* bind the project sponsor to take a recommended course of action~~, but the project sponsor may agree pursuant to subsection (4)(b) to a specific course of action.~~

~~(vi) recognize the potential long-range character of environmental impacts in Montana and, when consistent with the policies of the state, lend appropriate support to initiatives, resolutions, and programs designed to maximize cooperation in anticipating and preventing a decline in the quality of Montana's environment;~~

~~(vii)~~*(vi)* make available to counties, municipalities, institutions, and individuals advice and information useful in restoring, maintaining, and enhancing the quality of Montana's environment;

~~(viii)~~*(vii)* initiate and use ecological information in the planning and development of resource-oriented projects; and

~~(ix)~~*(viii)* assist the legislature and the environmental quality council established by 5-16-101;

~~(c)~~*(b)* prior to making any detailed statement as provided in subsection ~~(1)(b)(iv)~~ *(1)(a)(v)*, the responsible state official shall consult with and ~~obtain~~ *request* the comments of any state agency that has jurisdiction by law or special expertise with respect to any environmental impact involved in Montana and with any Montana local government, as defined in 7-12-1103, that may be directly impacted by the project. The responsible state official shall also consult with and ~~obtain~~ *request* comments from any state agency in Montana with respect to any regulation of private property involved. Copies of the statement and the comments ~~and views~~ of the appropriate state, federal, and local agencies that are authorized to develop and enforce environmental standards must be made available to the governor, the environmental quality council, and the public and must accompany the proposal through the existing agency review processes.

~~(d)~~*(c)* a transfer of an ownership interest in a lease, permit, license, certificate, or other entitlement for use or permission to act by an agency, either singly or in combination with other state agencies, does not trigger

review under subsection ~~(1)(b)(iv)~~ *(1)(a)(iv)* if there is not a material change in terms or conditions of the entitlement or unless otherwise provided by law.

(2) (a) ~~Except as provided in subsection (2)(b), an~~ *An* environmental review conducted pursuant to subsection (1) may ~~not~~ include ~~an evaluation of greenhouse gas emissions and corresponding impacts to the climate in the state or beyond the state's borders~~ *a greenhouse gas assessment subject to [section 1 of Senate Bill No. 221]. The department of environmental quality shall develop a guidance document for use by state agencies to determine when a greenhouse gas assessment may be necessary. The guidance must include direction on methodologies for completing a greenhouse gas assessment. Prior to finalizing this guidance, the department shall provide public notice of the draft guidance and allow for public comment.*

(b) An environmental review conducted pursuant to subsection (1) may include an evaluation *of the reasonably foreseeable environmental impacts of a proposed action* if~~:~~

~~(i)~~ conducted jointly by a state agency and a federal agency to the extent the review *of the expanded assessment* is required by the federal agency~~; or~~

~~(ii) the United States congress amends the federal Clean Air Act to include carbon dioxide emissions as a regulated pollutant~~.

(3) The department of public service regulation, in the exercise of its regulatory authority over rates and charges of railroads, motor carriers, and public utilities, is exempt from the provisions of parts 1 through 3.

~~(4) (a) The agency may not withhold, deny, or impose conditions on any permit or other authority to act based on parts 1 through 3 of this chapter.~~

~~(b) Nothing in this subsection (4) prevents a project sponsor and an agency from mutually developing measures that may, at the request of a project sponsor, be incorporated into a permit or other authority to act.~~

~~(c) Parts 1 through 3 of this chapter do not confer authority to an agency that is a project sponsor to modify a proposed project or action.~~

~~(5)~~*(4)* (a) (i) A challenge to an agency's environmental review under this part may only be brought against a ~~final agency action~~ *state action approved in a final* decision *document* and may only be brought in district court or in federal court, whichever is appropriate. A challenge may only be brought by a person who submits formal comments on the agency's environmental review prior to the *issuance of the* agency's final decision *document*, and the challenge must be limited to those issues ~~addressed~~ *raised* in those comments.

(ii) Any action or proceeding challenging a ~~final agency action~~ *state action approved in a final decision document* alleging failure to comply with or inadequate compliance with a requirement under this part must be brought within 60 days of the action that is the subject of the challenge.

(iii) For an action taken by the board of land commissioners or the department of natural resources and conservation under Title 77, "final agency action" means the date that the board of land commissioners or the department of natural resources and conservation issues a final environmental review document under this part or the date that the board approves the action that is subject to this part, whichever is later.

(b) Any action or proceeding under subsection ~~(5)(a)(ii)~~ *(4)(a)(ii)* must take precedence over other cases or matters in the district court unless otherwise provided by law.

(c) Any judicial action or proceeding brought in district court under subsection ~~(5)(a)~~ *(4)(a)* involving an equine slaughter or processing facility must comply with 81-9-240 and 81-9-241.

~~(6)~~*(5)* (a) (i) In an action alleging noncompliance or inadequate compliance with a requirement of parts 1 through 3, including a challenge to an agency's

decision that an environmental review is not required or a claim that the environmental review is inadequate, the agency shall compile and submit to the court the certified record of its decision at issue. The agency, prior to submitting the certified record to the court, shall assess and collect from the person challenging the decision a fee to pay for actual costs to compile and submit the certified record. Except as provided in subsection ~~(6)(b)~~ *(5)(b)*, the person challenging the decision has the burden of proving the claim by clear and convincing evidence contained in the record.

~~(ii) An action alleging noncompliance or inadequate compliance with a requirement of parts 1 through 3, including a challenge to an agency's decision that an environmental review is not required or a claim that the environmental review is inadequate based in whole or in part upon greenhouse gas emissions and impacts to the climate in Montana or beyond Montana's borders, cannot vacate, void, or delay a lease, permit, license, certificate, authorization, or other entitlement or authority unless the review is required by a federal agency or the United States congress amends the federal Clean Air Act to include carbon dioxide as a regulated pollutant.~~

~~(iii)~~*(ii)* Except as provided in subsection ~~(6)(b)~~ *(5)(b)*, in a challenge to the agency's decision or the adequacy of an environmental review, a court may not consider any information, including but not limited to an issue, comment, argument, proposed alternative, analysis, or evidence, that was not first presented to the agency for the agency's consideration prior to the agency's decision or within the time allowed for comments to be submitted.

~~(iv)~~*(iii)* Except as provided in subsection ~~(6)(b)~~ *(5)(b)*, the court shall confine its review to the record certified by the agency. The court shall affirm the agency's decision or the environmental review unless the court specifically finds that the agency's decision was arbitrary and capricious.

~~(v)~~*(iv)* A customer fiscal impact analysis pursuant to 69-2-216 or an allegation that the customer fiscal impact analysis is inadequate may not be used as the basis of an action challenging or seeking review of the agency's decision.

(b) (i) When a party challenging the decision or the adequacy of the environmental review or decision presents information not in the record certified by the agency, the challenging party shall certify under oath in an affidavit that the information is new, material, and significant evidence that was not publicly available before the agency's decision and that is relevant to the decision or the adequacy of the agency's environmental review.

(ii) If ~~upon~~ *on* reviewing the affidavit the court finds that the proffered information is new, material, and significant evidence that was not publicly available before the agency's decision and that is relevant to the decision or to the adequacy of the agency's environmental review, the court shall remand the new evidence to the agency for the agency's consideration and an opportunity to modify its decision or environmental review before the court considers the evidence as a part of the administrative record under review.

(iii) If the court finds that the information in the affidavit does not meet the requirements of subsection ~~(6)(b)(i)~~ *(5)(b)(i)*, the court may not remand the matter to the agency or consider the proffered information in making its decision.

(c) (i) The remedies provided in this section for successful challenges to a decision of the agency or the adequacy of the statement are exclusive.

(ii) Notwithstanding the provisions of 27-19-201 and 27-19-314, a court having considered the pleadings of parties and intervenors opposing a request for a temporary restraining order, preliminary injunction, permanent injunction, or other equitable relief may not enjoin the issuance or effectiveness

of a license or permit or a part of a license or permit issued pursuant to Title 75 or Title 82 unless the court specifically finds that the party requesting the relief is more likely than not to prevail on the merits of its complaint given the uncontroverted facts in the record and applicable law and, in the absence of a temporary restraining order, a preliminary injunction, a permanent injunction, or other equitable relief, that the:

(A) party requesting the relief will suffer irreparable harm in the absence of the relief;

(B) issuance of the relief is in the public interest. In determining whether the grant of the relief is in the public interest, a court:

(I) may not consider the legal nature or character of any party; and

(II) shall consider the implications of the relief on the local and state economy and make written findings with respect to both.

(C) relief is as narrowly tailored as the facts allow to address both the alleged noncompliance and the irreparable harm the party asking for the relief will suffer. In tailoring the relief, the court shall ensure, to the extent possible, that the project or as much of the project as possible can go forward while also providing the relief to which the applicant has been determined to be entitled.

(d) The court may issue a temporary restraining order, preliminary injunction, permanent injunction, or other injunctive relief only if the party seeking the relief provides a written undertaking to the court in an amount reasonably calculated by the court as adequate to pay the costs and damages sustained by any party that may be found to have been wrongfully enjoined or restrained by a court through a subsequent judicial decision in the case, including but not limited to lost wages of employees and lost project revenues for 1 year. If the party seeking an injunction or a temporary restraining order objects to the amount of the written undertaking for any reason, including but not limited to its asserted inability to pay, that party shall file an affidavit with the court that states the party's income, assets, and liabilities in order to facilitate the court's consideration of the amount of the written undertaking that is required. The affidavit must be served on the party enjoined. If a challenge for noncompliance or inadequate compliance with a requirement of parts 1 through 3 seeks to vacate, void, or delay a lease, permit, license, certificate, or other entitlement or authority, the party shall, as an initial matter, seek an injunction related to a lease, permit, license, certificate, or other entitlement or authority, and an injunction may only be issued if the challenger:

(i) proves there is a likelihood of succeeding on the merits;

(ii) proves there is a violation of an established law or regulation on which the lease, permit, license, certificate, or other entitlement or authority is based; and

(iii) subject to the demonstration of the inability to pay, posts the appropriate written undertaking.

(e) An individual or entity seeking a lease, permit, license, certificate, or other entitlement or authority to act may intervene in a lawsuit in court challenging a decision or statement by a department or agency of the state as a matter of right if the individual or entity has not been named as a defendant.

(f) Attorney fees or costs may not be awarded to the prevailing party in an action alleging noncompliance or inadequate compliance with a requirement of parts 1 through 3.

~~(7)~~*(6)* For *the* purposes of judicial review, to the extent that the requirements of this section are inconsistent with the provisions of the National Environmental Policy Act, the requirements of this section apply to an environmental review or any severable portion of an environmental review within the state's jurisdiction that is being prepared by a state agency

pursuant to this part in conjunction with a federal agency proceeding pursuant to the National Environmental Policy Act.

~~(8)~~*(7)* The director of the agency responsible for the determination or recommendation shall endorse in writing any determination of significance made under subsection ~~(1)(b)(iv)~~ *(1)(a)(iv)* or any recommendation that a determination of significance be made.

~~(9)~~*(8)* A project sponsor may request a review of the significance determination or recommendation made under subsection ~~(8)~~ *(7)* by the appropriate board, if any. The appropriate board may, at its discretion, submit an advisory recommendation to the agency regarding the issue. The period of time between the request for a review and completion of a review under this subsection may not be included for the purposes of determining compliance with the time limits established for environmental review in 75-1-208."

Section 13. Effective date. [This act] is effective on passage and approval.

Approved May 1, 2025

CHAPTER NO. 249

[HB 291]

AN ACT LIMITING THE ABILITY OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND LOCAL AIR POLLUTION CONTROL PROGRAMS TO ADOPT AIR QUALITY STANDARDS MORE STRINGENT THAN FEDERAL REQUIREMENTS; REVISING THE CLEAN AIR ACT OF MONTANA; AMENDING SECTIONS 75-2-111, 75-2-203, 75-2-207, AND 75-2-301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 75-2-111, MCA, is amended to read:

"**75-2-111. Powers of board.** The board shall~~, subject to the provisions of 75-2-207~~:

(1) hold hearings relating to any aspect of or matter in the administration of this chapter at a place designated by the board. The board may compel the attendance of witnesses and the production of evidence at hearings. The board shall designate an attorney to assist in conducting hearings and shall appoint a reporter who must be present at all hearings and take full stenographic notes of all proceedings, transcripts of which ~~will~~ *must* be available to the public at cost.

(2) issue orders necessary to effectuate the purposes of this chapter;

(3) have the power to issue orders under and in accordance with 42 U.S.C. 7419."

Section 2. Section 75-2-203, MCA, is amended to read:

"**75-2-203. Department to set emission levels.** (1) ~~The~~ *Subject to subsection (2), the* department may establish the limitations of the levels, concentrations, or quantities of emissions of various pollutants from any source necessary to prevent, abate, or control air pollution. Except as otherwise provided in or pursuant to this section, those levels, concentrations, or quantities are controlling, and no emission in excess of those levels is lawful.

(2) *(a)* ~~In any area where the concentration of air pollution sources or of population or where the nature of the economy or of land and its uses may require,~~ *Except as provided in subsection (2)(b),* the department may *not* fix more stringent requirements governing the emission of air pollutants than

~~those in effect pursuant to subsection (1)~~ *the federal standards or limitations established in the federal Clean Air Act for the emission of regulated pollutants.*

(b) Subsection (2)(a) does not apply to requirements:

(i) governing the emissions of air pollutants established prior to [the effective date of this act]; and

(ii) necessary in areas classified as nonattainment, maintenance, or to prevent nonattainment, as approved by the department, to comply with national ambient air quality standards as required in the federal Clean Air Act.

(3) The department may by rule use any widely recognized measuring system for measuring emission of air contaminants.

~~(4) Should federal minimum standards of air pollution be set by federal law, the department may, if necessary in some localities of this state, set more stringent standards by rule.~~"

Section 3. Section 75-2-207, MCA, is amended to read:

"**75-2-207. State regulations no more stringent than federal regulations or guidelines -- exceptions -- procedure.** (1) ~~After April 14, 1995, except as provided in subsections (2) and (3) or unless required by state law,~~ *Except as provided in subsection (2),* the department may not adopt a rule to implement this chapter that is more stringent than the comparable federal regulations or guidelines that address the same circumstances. The department may incorporate by reference comparable federal regulations or guidelines.

~~(2) (a) The department may adopt a rule to implement this chapter that is more stringent than comparable federal regulations or guidelines only if:~~

~~(i) a public hearing is held;~~

~~(ii) public comment is allowed; and~~

~~(iii) the department makes a written finding after the public hearing and comment period that is based on evidence in the record that the proposed standard or requirement:~~

~~(A) protects public health or the environment;~~

~~(B) can mitigate harm to the public health or the environment; and~~

~~(C) is achievable with current technology.~~

~~(b) The written finding required under subsection (2)(a)(iii) must reference information and peer-reviewed scientific studies contained in the record that form the basis for the department's conclusion. The written finding must also include information from the hearing record regarding costs to the regulated community that are directly attributable to the proposed standard or requirement.~~

~~(c) (i) A person or entity affected by a rule of the department adopted after January 1, 1990, and before April 14, 1995, that the person or entity believes is more stringent than comparable federal regulations or guidelines may petition the department to review the rule.~~

~~(ii) If the department determines that the rule is more stringent than comparable federal regulations or guidelines, the department shall either revise the rule to conform to the federal regulations or guidelines or follow the process provided in subsections (2)(a) and (2)(b) within a reasonable period of time, not to exceed 6 months after receiving the petition.~~

~~(iii) A petition under this section does not relieve the petitioner of the duty to comply with the challenged rule. The department may charge a petition filing fee in an amount not to exceed $250.~~

~~(iv) A person may also petition the department for a rule review under subsection (2)(a) if the department adopts a rule after January 1, 1990, in an area in which no federal regulations or guidelines existed and the federal~~

~~government subsequently establishes comparable regulations or guidelines that are less stringent than the previously adopted department rule.~~

~~(3)~~*(2)* This section does not apply to a rule adopted under the emergency rulemaking provisions of 2-4-303(1)."

Section 4. Section 75-2-301, MCA, is amended to read:

"**75-2-301. Local air pollution control programs -- consistency with state and federal regulations -- procedure for public notice and comment required.** (1) After public hearing, a municipality or county may establish and administer a local air pollution control program if the program is consistent with this chapter and is approved by the department.

(2) If a local air pollution control program established by a county encompasses all or part of a municipality, the county and each municipality shall approve the program in accordance with subsection (1).

(3) ~~(a)~~ Except as provided in subsection ~~(5)~~ *(4)*, the department by order may approve a local air pollution control program that:

~~(i)~~*(a)* ~~subject to subsection (4),~~ provides by rule, ordinance, or local law for requirements compatible with~~, more stringent than, or more extensive than those imposed by~~ 75-2-203, 75-2-204, 75-2-211, 75-2-212, 75-2-215, 75-2-217 through 75-2-219, and 75-2-402 and rules adopted under these sections;

~~(ii)~~*(b)* provides for the enforcement of requirements established under subsection (3)(a)~~(i)~~ by appropriate administrative and judicial processes; and

~~(iii)~~*(c)* provides for administrative organization, staff, financial resources, and other resources necessary to effectively and efficiently carry out the program. As part of meeting these requirements, a local air pollution control program may administer the permit or registration fee provisions of 75-2-220. The permit or registration fees collected by a local air pollution control program must be deposited in a county special revenue fund to be used by the local air pollution control program for administration of local air pollution control program permitting or registration activities.

~~(b) Department approval of a rule, ordinance, or local law that is more stringent than the comparable state law is subject to the provisions of subsection (4).~~

~~(4) (a) A local air pollution control program may, subject to approval by the department, adopt a rule, ordinance, or local law to implement this chapter that is more stringent than comparable state or federal regulations or guidelines only if:~~

~~(i) a public hearing is held;~~

~~(ii) public comment is allowed; and~~

~~(iii) the department or the local air pollution control program makes a written finding after the public hearing and comment period that is based on evidence in the record that the proposed local standard or requirement:~~

~~(A) protects public health or the environment of the area;~~

~~(B) can mitigate harm to the public health or the environment; and~~

~~(C) is achievable with current technology.~~

~~(b) The written finding required under subsection (4)(a)(iii) must reference information and peer-reviewed scientific studies contained in the record that form the basis for the department's or the local air pollution control program's conclusion. The written finding must also include information from the hearing record regarding costs to the regulated community that are directly attributable to the proposed local standard or requirement.~~

~~(c) (i) A person or entity affected by a rule, ordinance, or local law approved or adopted after January 1, 1996, and before May 1, 2001, that the person or entity believes is more stringent than comparable state or federal regulations~~

~~or guidelines may petition the department or the local air pollution control program to review the rule, ordinance, or local law.~~

~~(ii) If the department or local air pollution control program determines that the rule, ordinance, or local law is more stringent than state or federal regulations or guidelines, the department or local air pollution control program shall either revise the rule, ordinance, or local law to conform to the state or federal regulations or guidelines or follow the process provided in subsections (4)(a) and (4)(b) within a reasonable period of time, not to exceed 6 months after receiving the petition.~~

~~(5)~~*(4)* Except for those emergency powers provided for in 75-2-402, the department may not delegate to a local air pollution control program the authority to control any air pollutant source that:

(a) requires the preparation of an environmental impact statement in accordance with Title 75, chapter 1, part 2;

(b) is subject to regulation under the Montana Major Facility Siting Act, as provided in Title 75, chapter 20; or

(c) has the potential to emit 250 tons a year or more of any pollutant subject to regulation under this chapter, including fugitive emissions, unless the authority to control the source was delegated to a local air pollution control program prior to January 1, 1991.

~~(6)~~*(5)* If the department finds that the location, character, or extent of particular concentrations of population, air pollutant sources, or geographic, topographic, or meteorological considerations or any combination of these makes impracticable the maintenance of appropriate levels of air quality without an areawide air pollution control program, the department may determine the boundaries within which the program is necessary and require it as the only acceptable alternative to direct state administration.

~~(7)~~*(6)* If the department has reason to believe that any part of an air pollution control program in force under this section is either inadequate to prevent and control air pollution in the jurisdiction to which the program relates or is being administered in a manner inconsistent with this chapter, the department shall, on notice, conduct a hearing on the matter.

~~(8)~~*(7)* If, after the hearing, the department determines that any part of the program is inadequate to prevent and control air pollution in the jurisdiction to which it relates or that it is not accomplishing the purposes of this chapter, it shall require that necessary corrective measures be taken within a reasonable time, not to exceed 60 days.

~~(9)~~*(8)* If the jurisdiction fails to take these measures within the time required, the department shall administer within that jurisdiction all of the provisions of this chapter, including the terms contained in any applicable department order, that are necessary to correct the deficiencies found by the department. The department's control program supersedes all municipal or county air pollution laws, rules, ordinances, and requirements in the affected jurisdiction. The cost of the department's action is a charge on the jurisdiction.

~~(10)~~*(9)* If the department finds that the control of a particular air pollutant source because of its complexity or magnitude is beyond the reasonable capability of the local jurisdiction or may be more efficiently and economically performed at the state level, it may assume and retain control over that air pollutant source. A charge may not be assessed against the jurisdiction. Findings made under this subsection may be either on the basis of the nature of the sources involved or on the basis of their relationship to the size of the communities in which they are located.

~~(11)~~*(10)* A jurisdiction in which the department administers all or part of its air pollution control program under subsection ~~(9)~~ *(8)* may establish or resume an air pollution control program that meets the requirements of subsection (3).

~~(12)~~*(11)* A municipality or county may administer all or part of its air pollution control program in cooperation with one or more municipalities or counties of this state or of other states.

~~(13)~~*(12)* Local air pollution control programs established under this section shall provide procedures for public notice, public hearing, public comment, and appeal for any proposed new or revised rules, ordinances, or local laws adopted pursuant to this section. The procedures must comply with the following requirements:

(a) The local air pollution control program shall create and maintain a list of interested persons who wish to be informed of actions related to rules, ordinances, or local laws adopted by the local air pollution control program.

(b) At least 30 days prior to the adoption, revision, or repeal of a rule, ordinance, or law, the local air pollution control program shall give written notice of its intended action.

(c) The notice required under subsection ~~(13)(b)~~ *(12)(b)* must include:

(i) a statement of the terms or substance of the intended action or a description of the subjects and issues affected by the intended action;

(ii) an explanation of the procedure for a person to be included on the list of interested persons established pursuant to subsection ~~(13)(a)~~ *(12)(a)*;

(iii) an explanation of the procedures and deadlines for presentation of oral or written comments related to the intended action;

(iv) an explanation of the process for requesting a public hearing as provided in subsection ~~(13)(f)~~ *(12)(f)*; and

(v) the rationale for the intended action. The rationale must:

(A) include an explanation of why the intended action is reasonably necessary to implement the goals and purposes of the local air pollution control program;

(B) specifically address those intended actions for which there are no similar state or federal regulations or guidelines; and

(C) be written in plain, easily understood language.

(d) For the purposes of subsection ~~(13)(c)(v)~~ *(12)(c)(v)*, a statement of authority to adopt a rule, ordinance, or local law does not, standing alone, constitute a showing of reasonable necessity for the intended action.

(e) The local air pollution control program shall mail a copy of the proposed rule, ordinance, or local law to all interested persons on the list established pursuant to subsection ~~(13)(a)~~ *(12)(a)* who have made timely requests to be included on the list.

(f) If at least 10 of the persons who will be directly affected by the proposed rule, ordinance, or local law request a public hearing, the local air pollution control program shall hold a hearing to hear comments from the public on the intended action.

(g) The local air pollution control program shall prepare a written response to all comments submitted in writing or presented at the public hearing for consideration prior to adoption, revision, or repeal of the proposed rule, ordinance, or local law.

(h) A person who submits a written comment on a proposed action or who attends a public hearing in regard to a proposed action must be informed of the final action."

Section 5. Effective date. [This act] is effective on passage and approval.

Approved May 1, 2025

CHAPTER NO. 250

[HB 292]

AN ACT ESTABLISHING THE UNIFORM PUBLIC EXPRESSION PROTECTION ACT; PROVIDING PROTECTIONS FOR CERTAIN ACTIONS INVOLVING FREEDOM OF SPEECH AND FREEDOM OF ASSEMBLY; PROVIDING FOR EXPEDITED RELIEF; PROVIDING FOR AN AWARD OF ATTORNEY FEES; PROVIDING DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Short title. [Sections 1 through 12] may be cited as the "Uniform Public Expression Protection Act".

Section 2. Scope -- definitions. (1) Except as otherwise provided in subsection (2), [sections 1 through 12] apply to a claim for relief asserted in a civil action against a person based on the person's:

(a) communication in a legislative, executive, judicial, administrative, or other governmental proceeding;

(b) communication on an issue under consideration or review in a legislative, executive, judicial, administrative, or other governmental proceeding; or

(c) exercise of the right of freedom of speech or of the press, the right to assemble or petition, or the right of the association, guaranteed by the United States constitution or the Montana constitution, on a matter of public concern.

(2) [Sections 1 through 12] do not apply to a claim for relief asserted:

(a) against a governmental unit or an employee or agent of a governmental unit acting or purporting to act in an official capacity;

(b) by a governmental unit or an employee or agent of a governmental unit acting in an official capacity to enforce a law to protect against an imminent threat to public health or safety; or

(c) against a person primarily engaged in the business of selling or leasing goods or services if the claim for relief arises out of a communication related to the person's sale or lease of the goods or services.

(3) As used in this section, the following definitions apply:

(a) "Goods or services" does not include the creation, dissemination, exhibition, or advertisement or similar promotion of a dramatic, literary, musical, political, journalistic, or artistic work.

(b) "Governmental unit" means a public corporation or government or governmental subdivision, agency, or instrumentality.

(c) "Person" means an individual, estate, trust, partnership, business or nonprofit entity, governmental unit, or other legal entity.

Section 3. Special motion for expedited relief. Not later than 60 days after a party is served with a complaint, crossclaim, counterclaim, third-party complaint, or other pleading that asserts a civil action to which [sections 1 through 12] applies, or at a later time on a showing of good cause, the party may file a special motion for expedited relief to dismiss the civil action or part of the civil action.

Section 4. Stay. (1) Except as otherwise provided in subsections (4) through (8), on the filing of a motion under [section 3]:

(a) all other proceedings between the moving party and responding party, including discovery and a pending hearing or motion, are stayed; and

(b) on motion by the moving party, the court may stay a hearing or motion involving another party, or discovery by another party, if the hearing or ruling on the motion would adjudicate, or the discovery would relate to, an issue material to the motion under [section 3].

(2) A stay under subsection (1) remains in effect until entry of an order ruling on the motion under [section 3] and expiration of the time under [section 9] for the moving party to appeal the order.

(3) Except as otherwise provided in subsections (5) through (7), if a party appeals from an order ruling on a motion under [section 3], all proceedings between all parties in the action are stayed. The stay remains in effect until the conclusion of the appeal.

(4) During a stay under subsection (1), the court may allow limited discovery if a party shows that specific information is necessary to establish whether a party has satisfied or failed to satisfy a burden under [section 7(1)] and the information is not reasonably available unless discovery is allowed.

(5) A motion under [section 10] for costs, attorney fees, and expenses is not subject to a stay under this section.

(6) A stay under this section does not affect a party's ability voluntarily to dismiss a civil action or part of a civil action or move to sever a civil action.

(7) During a stay under this section, the court for good cause may hear and rule on:

(a) a motion unrelated to the motion under [section 3]; and

(b) a motion seeking a special or preliminary injunction to protect against an imminent threat to public health or safety.

(8) The stay provided for in this section does not apply to actions for a temporary or permanent order of protection as set forth in Title 40, chapter 15.

Section 5. Hearing. (1) The court shall hear a motion under [section 3] not later than 60 days after filing of the motion unless the court orders a later hearing:

(a) to allow discovery under [section 4(4)]; or

(b) for other good cause.

(2) If the court orders a later hearing under subsection (1)(a), the court shall hear the motion under [section 3] not later than 60 days after the court order allowing the discovery, unless the court orders a later hearing under subsection (1)(b).

Section 6. Proof. In ruling on a motion under [section 3], the court shall consider the pleadings, the motion, any reply or response to the motion, and any evidence that could be considered in ruling on a motion for summary judgment under Rule 56 of the Montana Rules of Civil Procedure.

Section 7. Dismissal of cause of action in whole or in part. (1) In ruling on a motion under [section 3], the court shall dismiss with prejudice a civil action, or part of a civil action, if:

(a) the moving party establishes under [section 2(1)] that the act applies;

(b) the responding party fails to establish under [section 2(2)] that [sections 1 through 12] do not apply; and

(c) either:

(i) the responding party fails to establish a prima facie case as to each essential element of the civil action; or

(ii) the moving party establishes that:

(A) the responding party failed to state a claim upon which relief can be granted; or

(B) there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law on the civil action or part of the civil action.

(2) A voluntary dismissal without prejudice of a responding party's civil action, or part of a civil action, that is the subject of a motion under [section 3] does not affect a moving party's right to obtain a ruling on the motion and seek costs, attorney fees, and expenses under [section 10].

(3) A voluntary dismissal with prejudice of a responding party's cause of action, or part of a cause of action, that is the subject of a motion under [section 3] establishes for the purpose of [section 10] that the moving party prevailed on the motion.

Section 8. Ruling. The court shall rule on a motion under [section 3] not later than 60 days after a hearing under [section 5].

Section 9. Appeal. A moving party may appeal as a matter of right from an order denying, in whole or in part, a motion under [section 3]. The appeal must be filed not later than 30 days after entry of the order in a civil action between private parties, and not later than 60 days after entry of the order in a civil action to which the United States or the state of Montana or a political subdivision is a party.

Section 10. Costs, attorney fees, and expenses. On a motion under [section 3], the court shall award court costs, reasonable attorney fees, and reasonable litigation expenses related to the motion:

(1) to the moving party if the moving party prevails on the motion; or

(2) to the responding party if the responding party prevails on the motion and the court finds that the motion was frivolous or filed solely with intent to delay the proceeding.

Section 11. Construction. [Sections 1 through 12] must be broadly construed and applied to protect the exercise of the right of freedom of speech and of the press, the right to assemble and petition, and the right of association guaranteed by the United States constitution or the Montana constitution.

Section 12. Uniformity of application and construction. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Section 13. Codification instruction. [Sections 1 through 12] are intended to be codified as an integral part of Title 27, and the provisions of Title 27 apply to [sections 1 through 12].

Section 14. Saving clause. [This act] does not affect a cause of action asserted before [the effective date of this act] in a civil action.

Section 15. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 16. Effective date. [This act] is effective on passage and approval.

Section 17. Applicability. [This act] applies to a civil action filed or cause of action asserted in a civil action on or after [the effective date of this act].

Approved May 1, 2025

CHAPTER NO. 251

[HB 293]

AN ACT REVISING ELECTION ADMINISTRATOR LAWS; REQUIRING APPOINTED ELECTION ADMINISTRATORS TO REPORT TO THE COUNTY GOVERNING BODY; AMENDING SECTION 13-1-301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 13-1-301, MCA, is amended to read:

"**13-1-301. Election administrator.** (1) *(a)* The county clerk and recorder of each county is the election administrator unless the governing body of the county ~~designates another official or~~ appoints an election administrator.

(b) If the governing body of the county appoints an election administrator, that individual shall report directly to the governing body of the county.

(2) The election administrator is responsible for the administration of all procedures relating to registration of electors and conduct of elections, shall keep all county records relating to elector registration and elections, and is the primary point of contact for the county with respect to the statewide voter registration list and implementation of other provisions of applicable federal law governing elections.

(3) The election administrator may appoint a deputy election administrator for each political subdivision required to hold elections."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved May 1, 2025

CHAPTER NO. 252

[HB 296]

AN ACT GENERALLY REVISING LAWS RELATED TO PROFESSIONAL AND OCCUPATIONAL LICENSING; REVISING LAWS RELATED TO LICENSING INJUNCTIONS AND PENALTIES; REMOVING REDUNDANT PROVISIONS; AMENDING CONFLICTING PROVISIONS; AMENDING SECTIONS 37-1-136, 37-10-301, 37-11-301, 37-26-401, AND 37-54-201, MCA; AND REPEALING SECTIONS 37-1-411 AND 37-1-412, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 37-1-136, MCA, is amended to read:

"**37-1-136. Disciplinary authority of boards -- injunctions.** (1) Subject to 37-1-138, each licensing board allocated to the department has the authority, in addition to any other penalty or disciplinary action provided by law, to adopt rules specifying grounds for disciplinary action and rules providing for:

(a) revocation of a license;

(b) suspension of its judgment of revocation on terms and conditions determined by the board;

(c) suspension of the right to practice for a period not exceeding 1 year;

(d) placing a licensee on probation;

(e) reprimand or censure of a licensee; or

(f) taking any other action in relation to disciplining a licensee as the board in its discretion considers proper.

(2) Any disciplinary action by a board ~~shall~~ *must* be conducted as a contested case hearing under the provisions of the Montana Administrative Procedure Act.

~~(3) Notwithstanding any other provision of law, a board may maintain an action to enjoin a person from engaging in the practice of the occupation or profession regulated by the board until a license to practice is procured. A person who has been enjoined and who violates the injunction is punishable for contempt of court.~~

~~(4)~~*(3)* An action may not be taken against a person who is in compliance with Title 16, chapter 12, part 5.

~~(5)~~*(4)* Rules adopted under subsection (1) must provide for the provision of public notice as required by 37-1-311."

Section 2. Section 37-10-301, MCA, is amended to read:

"**37-10-301. License required for practice -- unlawful acts -- ~~injunction~~.** ~~(1)~~ A person may not:

~~(a)~~*(1)* practice optometry in this state unless that person has first obtained a license;

~~(b)~~*(2)* sell, barter, or offer to sell or barter a license issued by the department;

~~(c)~~*(3)* purchase or procure by barter a license with intent to use the license as evidence of the holder's qualification to practice optometry;

~~(d)~~*(4)* materially alter with fraudulent intent a license;

~~(e)~~*(5)* use or attempt to use a license that has been purchased, fraudulently issued, counterfeited, or materially altered as a valid license;

~~(f)~~*(6)* practice optometry under a false or assumed name;

~~(g)~~*(7)* willfully make a materially false statement in an application for a license;

~~(h)~~*(8)* advertise by displaying a sign or by otherwise claiming to be an optometrist without having at the time a valid license;

~~(i)~~*(9)* replace or duplicate ophthalmic lenses with or without a prescription or to dispense ophthalmic lenses from prescriptions without having at the time a valid license as an optometrist. However, this subsection ~~(1)(i)~~ *(9)* does not prevent an optical mechanic from:

~~(i)~~*(a)* doing the merely mechanical work on an ophthalmic lens that is ordered on a prescription signed by a registered optometrist and is dispensed only by the optometrist or a person employed by the optometrist and who does so in the office of and under the direct personal supervision of an optometrist; or

~~(ii)~~*(b)* replacing or duplicating an existing lens for glasses;

~~(j)~~*(10)* take or make measurements for the purpose of fitting or adapting ophthalmic lenses to the human eye without having at the time a valid license. A person who takes or makes measurements or uses mechanical devices for this purpose or who, in the sale of spectacles, eyeglasses, or lenses, uses in the testing of the eyes lenses other than the lenses actually sold is practicing optometry. However, this section does not apply to the prescriptions of qualified optometrists when sent to a recognized optical laboratory.

~~(k)~~*(11)* measure, fit, or adapt a lens to direct, contiguous contact to the human eyeball without having at the time a valid license as an optometrist.

~~(2) When the board has reasonable cause to believe that a person is violating this section or a rule issued under this chapter, the board may, in addition to other remedies provided in this chapter, bring an action for injunctive relief in district court in the county where the violation occurs to enjoin the person from engaging in or continuing the violation. The department may employ legal counsel to prosecute these actions. In these actions and on notice and hearing, an order or judgment may be entered awarding a temporary restraining order or final injunction as considered proper by the judge of the district court in the county where the violation occurred.~~"

Section 3. Section 37-11-301, MCA, is amended to read:

"**37-11-301. License required for physical therapist and physical therapist assistant -- unauthorized representation as licensed therapist.** (1) A person may not practice or purport to practice physical therapy without first obtaining a license under the provisions of this chapter.

(2) A person who is not licensed under this chapter as a physical therapist or physical therapist assistant, whose license has been suspended or revoked, or whose license has lapsed and has not been revived ~~and who uses~~ *may not use*

the words or letters "L.P.T.", "Licensed Physical Therapist", "P.T.", "Physical Therapist", "R.P.T.", "Registered Physical Therapist", "D.P.T.", "Doctor of Physical Therapy", "P.T.A.", "Physical Therapist Assistant", "L.P.T.A.", "Licensed Physical Therapist Assistant", "R.P.T.A.", "Registered Physical Therapist Assistant", or any other letters, words, or insignia*, orally or in writing or in print or by sign, directly or by implication,* indicating or implying that the person is a licensed physical therapist or physical therapist assistant ~~or who in any way, orally or in writing or in print or by sign, directly or by implication, purports to be a physical therapist or physical therapist assistant is guilty of a misdemeanor~~.

(3) A person who is not licensed as a physical therapist assistant in accordance with this chapter may not assist a physical therapist in the practice of physical therapy."

Section 4. Section 37-26-401, MCA, is amended to read:

"**37-26-401. License required -- titles restricted -- enjoining unlawful practice.** (1) Except as provided in 37-26-302, a person may not practice naturopathy without a valid and current license issued by the board as provided in this chapter.

(2) (a) A naturopathic physician licensed under this chapter may use the prefix "Dr." or "doctor" as a title.

(b) Only a naturopathic physician licensed under this chapter may use any of the following titles or terms:

(i) "doctor of naturopathy", "doctor of naturopathic medicine", "naturopath", "naturopathic physician", and the abbreviation "N.D." when used to imply any of these titles; or

(ii) "naturopathic medicine", "naturopathic health care", "naturopathic", and "naturopathy".

(c) The titles and terms in subsection (2)(b) identify naturopathic physicians and are restricted to describing and identifying licensed practitioners and their practice. A person who uses these titles and terms to represent the person or the person's practice to the public without being licensed pursuant to this chapter is in violation of this chapter.

~~(3) A violation of this chapter may be enjoined by the district court on petition by the board.~~"

Section 5. Section 37-54-201, MCA, is amended to read:

"**37-54-201. Real estate appraiser license -- scope and display of license.** (1) ~~Upon~~ *On* proof that an applicant meets the qualifications set out in 37-54-202, the board shall issue to the applicant a real estate appraiser license.

(2) The term "licensed real estate appraiser" may not be used to describe a firm, partnership, corporation, group, or anyone other than an individual licensee. However, a licensed real estate appraiser may engage in real estate appraisal as a professional corporation.

(3) This chapter does not preclude a person who is not a licensed or certified real estate appraiser from appraising real property for transactions not related to a federal agency or project for compensation if the person does not purport to be a licensed or certified real estate appraiser. ~~A person who purports that the person or the person's company is licensed under this section or certified under 37-54-302 and 37-54-303 without possessing the applicable license or certificate is guilty of a misdemeanor.~~

(4) This section does not:

(a) prohibit a person who is licensed to practice in this state under any law from engaging in the practice for which the person is licensed;

(b) apply to public officials in the conduct of their official duties that are not governed by the rules established by the federal financial institutions examination council agencies.

(5) A licensed or certified real estate appraiser is subject to restrictions on the scope of practice, depending on the value and complexity of the federally related transaction or transactions pursuant to rules established by the federal financial institutions examination council agencies, and the restrictions must remain current with any changes in those rules.

(6) A licensed real estate appraiser shall conspicuously display the license in the appraiser's principal place of business."

Section 6. Repealer. The following sections of the Montana Code Annotated are repealed:

37-1-411. Practice without license -- investigation of complaint -- injunction -- penalties.

37-1-412. Violation of injunction -- penalty.

Approved May 1, 2025

CHAPTER NO. 253

[HB 307]

AN ACT REVISING LAWS RELATED TO THE DONATION OF HUNTING LICENSES TO DISABLED VETERANS OR DISABLED MEMBERS OF THE ARMED FORCES; ALLOWING THE DONATION TO BE DESIGNATED TO CERTAIN ORGANIZATIONS; RESTRICTING ELIGIBILITY FOR A DONATED LICENSE; AND AMENDING SECTION 87-2-815, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 87-2-815, MCA, is amended to read:

"**87-2-815. Donation of hunting licenses to disabled veterans or disabled members of the armed forces.** (1) The holder of any hunting license issued by the department may surrender that license and any related permit to the department for reissuance to a disabled veteran or a disabled member of the armed forces for use on an expedition arranged by a nonprofit organization that is exempt from taxation under 26 U.S.C. 501(c)(3) and that uses hunting as part of the rehabilitation of disabled veterans and disabled members of the armed forces. The person surrendering the license:

(a) is not eligible for a refund for the cost of the surrendered license;

(b) may ~~not~~ designate to which organization~~,~~ *the donation is being made but may not designate to which* disabled veteran~~,~~ or disabled member of the armed forces the license is being surrendered; and

(c) shall surrender the donated license and any related permit before the start of any season for which the license and permit are valid.

(2) In order to obtain a license and any related permit pursuant to this section, a veteran or a member of the armed forces:

(a) must be a purple heart recipient;

(b) must, as the result of wounds or injuries received in a combat zone, be medically retired, have a 70% or greater disability rating by the United States department of veterans affairs or department of defense, or have active duty status;

(c) is not required to be a resident;

(d) does not have to first obtain a conservation license; ~~and~~

(e) is not required to pay any fee.*; and*

(f) may not have previously received a license and any related permit pursuant to this section in the past calendar year.

(3) A license and any related permit reissued pursuant to this section entitles the disabled veteran or disabled member of the armed forces to take

the same species in the same administrative region or regions, hunting district or districts, or portions thereof, as allowed by the license and any related permit that was surrendered.

(4) Any license or permit surrendered or reissued pursuant to this section may not be sold, traded, auctioned, or offered for any monetary value and may not be used by any person other than a disabled veteran or disabled member of the armed forces who meets the requirements of subsection (2).

(5) The restrictions in 87-2-702(3) and (4) do not apply to a disabled veteran or a disabled member of the armed forces who obtains a license pursuant to this section.

(6) The department may adopt rules to implement the provisions of this section."

Approved May 1, 2025

CHAPTER NO. 254

[HB 311]

AN ACT REQUIRING THE REFUND OF RESIDENTIAL RENTAL APPLICATION FEES; ALLOWING CERTAIN COSTS TO BE DEDUCTED; PROVIDING FOR A CIVIL ACTION IF AN APPLICATION FEE IS WRONGFULLY WITHHELD; AND PROVIDING AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Application fees -- refund -- deduction of costs. (1) A property manager of four or more dwelling units that requires an application fee prior to the rental of a dwelling unit shall refund the application fee within a reasonable period of time if the applicant does not become a party to a signed rental agreement for the dwelling unit or if the applicant does not become a party to a rental agreement that has the same effect as if it had been signed pursuant to 70-24-204. However, the property manager may deduct costs from the refund as provided in subsection (2).

(2) If the application fee includes costs pertaining to specific services, the applicant must be given written notice of the portions of the total application fee allocated to each cost at the time the application fee is collected. If the applicant does not become a party to a rental agreement as provided in subsection (1), the property manager may retain only the costs specified in the written notice for services actually performed and shall refund the balance as provided in subsection (1). The property manager may not retain the cost of a service that was not performed, even if the cost was specified in the written notice that was provided to the applicant.

(3) A person who wrongfully withholds an application fee or any portion of an application fee is liable in damages to the applicant in a civil action for an amount equal to the sum determined to have been wrongfully withheld or deducted. Attorney fees may be awarded to the prevailing party at the discretion of the court. The burden of proof of services rendered by the property manager pertaining to the application is on the property manager.

(4) For the purposes of this section, the following definitions apply:

(a) "Application fee" means the total amount an applicant shall pay to be considered for renting a dwelling unit.

(b) "Cost" means the out-of-pocket expense to a property manager for a specific service in relation to the application performed prior to approval or disapproval of a tenant, including but not limited to a credit check. The term does not include a fee for the property manager's time or effort for arranging or performing the service.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 37, chapter 56, part 1, and the provisions of Title 37, chapter 56, part 1, apply to [section 1].

Section 3. Applicability. [This act] applies to an application fee collected by a property manager from an applicant on or after [the effective date of this act].

Approved May 1, 2025

CHAPTER NO. 255

[HB 312]

AN ACT REVISING SPEED LIMIT LAWS; INCREASING DAYTIME AND NIGHTTIME SPEED LIMITS ON NATIONAL HIGHWAYS THAT HAVE BEEN EXPANDED TO FOUR LANES; PROVIDING AN EXCEPTION FOR SPECIAL SPEED ZONES; AND AMENDING SECTIONS 61-8-303 AND 61-8-725, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 61-8-303, MCA, is amended to read:

"**61-8-303. Speed restrictions.** (1) Except as provided in 61-8-309, 61-8-310, and 61-8-312, the speed limit for vehicles traveling:

(a) on an interstate highway outside an urbanized area of 50,000 population or more is 80 miles an hour at all times and the speed limit for vehicles traveling on interstate highways within an urbanized area of 50,000 population or more is 65 miles an hour at all times;

(b) on any portion of a national highway that is 10 miles or greater that has been expanded to four lanes, and that is not subject to a permanent special speed zone, as provided in 61-8-309 and 61-8-310, is 75 miles an hour during the daytime and 70 miles an hour during the nighttime;

~~(b)~~*(c)* on any other public highway of this state is 70 miles an hour during the daytime and 65 miles an hour during the nighttime;

~~(c)~~*(d)* in an urban district is 25 miles an hour.

(2) A vehicle subject to the speed limits imposed in subsection (1) may exceed the speed limits imposed in subsection (1) by 10 miles an hour in order to overtake and pass a vehicle and return safely to the right-hand lane under the following circumstances:

(a) while traveling on a two-lane road; and

(b) in a designated passing zone.

(3) Subject to the maximum speed limits set forth in subsection (1), a person shall operate a vehicle in a careful and prudent manner and at a reduced rate of speed no greater than is reasonable and prudent under the conditions existing at the point of operation, taking into account the amount and character of traffic, visibility, weather, and roadway conditions.

(4) Except when a special hazard exists that requires lower speed for compliance with subsection (3), the limits specified in this section are the maximum lawful speeds allowed.

(5) "Daytime" means from one-half hour before sunrise to one-half hour after sunset. "Nighttime" means at any other hour.

(6) The speed limits set forth in this section may be altered by the transportation commission or a local authority as authorized in 61-8-309, 61-8-310, 61-8-313, and 61-8-314.

(7) A person who violates this section is subject to the penalties provided in 61-8-725."

Section 2. Section 61-8-725, MCA, is amended to read:

"**61-8-725. Penalty for violation of speed limits – no record for certain violations.** (1) A person shall be fined for violating the maximum speed limit in accordance with the following schedules:

(a) for a violation of 61-8-303(1)(a):

Amount of Fine	MPH in Excess of Speed Limit
$40	1 - 10 (daytime)
40	1 - 10 (nighttime)
70	11 - 20
120	21 - 30
200	31+

(b) for a violation of 61-8-303(1)(b) *or (1)(c)*, 61-8-309, or 61-8-312:

Amount of Fine	MPH in Excess of Speed Limit
$20	1 - 10 (daytime)
20	1 - 10 (nighttime)
70	11 - 20
120	21 - 30
200	31+

(2) (a) A violation of a speed limit imposed pursuant to 61-8-303 is not a criminal offense within the meaning of 3-1-317, 45-2-101, 46-18-236, 61-8-104, and 61-8-711 and, except as provided in subsection (2)(b) or (4), may not be recorded or charged against a driver's record, and an insurance company may not hold a violation of a speed limit against the insured or increase premiums because of the violation if the speed limit is exceeded by no more than:

(i) 10 miles an hour during the daytime; or

(ii) 5 miles an hour during the nighttime.

(b) If a driver is guilty of exceeding 90 miles an hour in violation of 61-8-303(1)(a), the violation may be recorded or charged against a driver's record and an insurance company may hold the violation against an insured driver's premium.

(3) The surcharge provided for in 3-1-317 may not be imposed for a violation of 61-8-303.

(4) The recordkeeping restrictions provided in subsection (2) with respect to a person's driving record do not apply to a speed limit violation or conviction that was committed by:

(a) a Montana resident in another state whose violation or conviction was reported to the department by a court or the licensing authority in the state in which the violation occurred; or

(b) a person who holds a commercial driver's license regardless of whether or not the violation occurred while the person was operating a commercial motor vehicle.

(5) This section does not apply to the violation of a special speed zone established under 61-8-309 or 61-8-310."

Approved May 1, 2025

CHAPTER NO. 256

[HB 318]

AN ACT REQUIRING AN APPEAL PROCESS FROM CERTAIN REQUIREMENTS FOR A SEWAGE DISPOSAL SYSTEM; AND AMENDING SECTION 50-2-116, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 50-2-116, MCA, is amended to read:

"**50-2-116. Powers and duties of local boards of health.** (1) Except as provided in subsection (5), in order to carry out the purposes of the public health system, in collaboration with federal, state, and local partners, each local board of health shall:

(a) recommend to the governing body the appointment of a local health officer who is:

(i) a physician;

(ii) a person with a master's degree in public health; or

(iii) a person with equivalent education and experience, as determined by the department;

(b) elect a presiding officer and other necessary officers;

(c) adopt bylaws to govern meetings;

(d) hold regular meetings at least quarterly and hold special meetings as necessary;

(e) identify, assess, prevent, and ameliorate conditions of public health importance through:

(i) epidemiological tracking and investigation;

(ii) screening and testing;

(iii) isolation and quarantine measures;

(iv) diagnosis, treatment, and case management;

(v) abatement of public health nuisances;

(vi) inspections;

(vii) collecting and maintaining health information;

(viii) education and training of health professionals; or

(ix) other public health measures as allowed by law;

(f) protect the public from the introduction and spread of communicable disease or other conditions of public health importance, including through actions to ensure the removal of filth or other contaminants that might cause disease or adversely affect public health;

(g) supervise or make inspections for conditions of public health importance and issue written orders for compliance or for correction, destruction, or removal of the conditions;

(h) bring and pursue actions and issue orders necessary to abate, restrain, or prosecute the violation of public health laws, rules, and local regulations;

(i) identify to the department an administrative liaison for public health. The liaison must be the local health officer in jurisdictions that employ a full-time local health officer. In jurisdictions that do not employ a full-time local health officer, the liaison must be the highest ranking public health professional employed by the jurisdiction.

(j) subject to the provisions of 50-2-130, propose for adoption by the local governing body necessary regulations that are not less stringent than state standards for the control and disposal of sewage from private and public buildings and facilities that are not regulated by Title 75, chapter 6, or Title 76, chapter 4. The regulations must describe standards for granting variances from the minimum requirements that are identical to standards promulgated

by the department of environmental quality and must provide for appeal of variance decisions to the department of environmental quality as required by 75-5-305. *The regulations must provide for an appeal to challenge whether permit requirements are more stringent than the state standards or local standards adopted in compliance with 50-2-130. Until an appeals process is included in the regulations, the applicant or property owner may appeal to the local governing body.* If the local board of health regulates or permits water well drilling, the regulations must prohibit the drilling of a well if the well isolation zone, as defined in 76-4-102, encroaches onto adjacent private property without the authorization of the private property owner.

(2) Local boards of health may:

(a) accept and spend funds received from a federal agency, the state, a school district, or other persons or entities;

(b) propose for adoption by the local governing body necessary fees to administer regulations for the control and disposal of sewage from private and public buildings and facilities;

(c) propose for adoption by the local governing body regulations that do not conflict with 50-50-126 or rules adopted by the department:

(i) for the control of communicable diseases;

(ii) for the removal of filth that might cause disease or adversely affect public health;

(iii) subject to the provisions of 50-2-130, for sanitation in public and private buildings and facilities that affects public health and for the maintenance of sewage treatment systems that do not discharge effluent directly into state water and that are not required to have an operating permit as required by rules adopted under 75-5-401;

(iv) subject to the provisions of 50-2-130 and Title 50, chapter 48, for tattooing and body-piercing establishments and that are not less stringent than state standards for tattooing and body-piercing establishments;

(v) for the establishment of institutional controls that have been selected or approved by the:

(A) United States environmental protection agency as part of a remedy for a facility under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601, et seq.; or

(B) department of environmental quality as part of a remedy for a facility under the Montana Comprehensive Environmental Cleanup and Responsibility Act, Title 75, chapter 10, part 7; and

(vi) to implement the public health laws;

(d) adopt rules necessary to implement and enforce regulations adopted by the local governing body; and

(e) promote cooperation and formal collaborative agreements between the local board of health and tribes, tribal organizations, and the Indian health service regarding public health planning, priority setting, information and data sharing, reporting, resource allocation, service delivery, jurisdiction, and other matters addressed in this title.

(3) A local board of health may provide, implement, facilitate, or encourage other public health services and functions as considered reasonable and necessary.

(4) A directive, mandate, or order issued by a local board of health in response to a declaration of emergency or disaster by the governor as allowed in 10-3-303 or by the principal executive officer of a political subdivision as allowed in 10-3-402 and 10-3-403:

(a) remains in effect only during the declared state of emergency or disaster or until the governing body holds a public meeting and allows public comment

and the majority of the governing body moves to amend, rescind, or otherwise change the directive, mandate, or order; and

(b) may not interfere with or otherwise limit, modify, or abridge a person's physical attendance at or operation of a religious facility, church, synagogue, or other place of worship.

(5) A regulation allowed in subsection (2)(c)(i), (2)(c)(ii), or (2)(c)(vi) adopted or a directive, mandate, or order implemented to carry out the provisions of this part that applies to the entire jurisdictional area of a town, city, or county under the jurisdiction of the local health board may not:

(a) compel a private business to deny a customer of the private business access to the premises or access to goods or services;

(b) deny a customer of a private business the ability to access goods or services provided by the private business; or

(c) include any of the following actions for noncompliance of actions described in subsections (5)(a) and (5)(b):

(i) require the assessment of a fee or fine;

(ii) require the revocation of a license required for the operation of a private business;

(iii) find a private business owner guilty of a misdemeanor; or

(iv) bring any other retributive action against a private business owner, including but not limited to an action allowed under 50-2-123, a penalty allowed under 50-2-124, or any other criminal charge.

(6) The prohibition provided for in subsection (5)(b) does not apply to persons confirmed to have a communicable disease and who are currently under a public isolation order.

(7) The prohibitions provided for in subsection (5) do not restrict a local board of health from exercising its authority under this section to enforce and ensure compliance by private businesses with all lawfully adopted regulations, directives, and orders.

(8) As used in this section, "private business" means an individual or entity that is not principally a part of or associated with a government unit. The term includes but is not limited to a nonprofit or for-profit entity, a corporation, a sole proprietorship, or a limited liability company."

Section 2. Coordination instruction. If both House Bill No. 180 and [this act] are passed and approved and if both contain a section that amends 50-2-116, then the sections amending 50-2-116 are void and 50-2-116 must be amended as follows:

"**50-2-116. Powers and duties of local boards of health.** (1) Except as provided in subsection (5), in order to carry out the purposes of the public health system, in collaboration with federal, state, and local partners, each local board of health shall:

(a) recommend to the governing body the appointment of a local health officer who is:

(i) a physician;

(ii) a person with a master's degree in public health; or

(iii) a person with equivalent education and experience, as determined by the department;

(b) elect a presiding officer and other necessary officers;

(c) adopt bylaws to govern meetings;

(d) hold regular meetings at least quarterly and hold special meetings as necessary;

(e) identify, assess, prevent, and ameliorate conditions of public health importance through:

(i) epidemiological tracking and investigation;

(ii) screening and testing;
(iii) isolation and quarantine measures;
(iv) diagnosis, treatment, and case management;
(v) abatement of public health nuisances;
(vi) inspections;
(vii) collecting and maintaining health information;
(viii) education and training of health professionals; or
(ix) other public health measures as allowed by law;

(f) protect the public from the introduction and spread of communicable disease or other conditions of public health importance, including through actions to ensure the removal of filth or other contaminants that might cause disease or adversely affect public health;

(g) supervise or make inspections for conditions of public health importance and issue written orders for compliance or for correction, destruction, or removal of the conditions;

(h) bring and pursue actions and issue orders necessary to abate, restrain, or prosecute the violation of public health laws, rules, and local regulations;

(i) identify to the department an administrative liaison for public health. The liaison must be the local health officer in jurisdictions that employ a full-time local health officer. In jurisdictions that do not employ a full-time local health officer, the liaison must be the highest ranking public health professional employed by the jurisdiction.

(j) subject to the provisions of 50-2-130, propose for adoption by the local governing body necessary regulations that are not less stringent than state standards for the control and disposal of sewage from private and public buildings and facilities that are not regulated by Title 75, chapter 6, or Title 76, chapter 4. The regulations must*:*

(i) describe standards for granting variances from the minimum requirements that are identical to standards promulgated by the department of environmental quality and must provide for appeal of variance decisions to the department of environmental quality as required by 75-5-305*;*

(ii) provide for an appeal to challenge whether permit requirements are more stringent than the state standards or local standards adopted in compliance with 50-2-130. Until an appeals process is included in the regulations, the applicant or property owner may appeal to the local governing body.

(iii) for parcels created after March 30, 2011, prohibit the construction of a subsurface wastewater treatment system if the associated mixing zone would encroach onto adjacent property, except as allowed in 76-4-104(7)(i); and

(iv) ~~If~~ *if* the local board of health regulates or permits water well drilling, ~~the regulations must~~ prohibit the drilling of a well if the well isolation zone, as defined in 76-4-102, encroaches onto adjacent private property without the authorization of the private property owner.

(2) Local boards of health may:

(a) accept and spend funds received from a federal agency, the state, a school district, or other persons or entities;

(b) propose for adoption by the local governing body necessary fees to administer regulations for the control and disposal of sewage from private and public buildings and facilities;

(c) propose for adoption by the local governing body regulations that do not conflict with 50-50-126 or rules adopted by the department:

(i) for the control of communicable diseases;

(ii) for the removal of filth that might cause disease or adversely affect public health;

(iii) subject to the provisions of 50-2-130, for sanitation in public and private buildings and facilities that affects public health and for the maintenance of sewage treatment systems that do not discharge effluent directly into state water and that are not required to have an operating permit as required by rules adopted under 75-5-401;

(iv) subject to the provisions of 50-2-130 and Title 50, chapter 48, for tattooing and body-piercing establishments and that are not less stringent than state standards for tattooing and body-piercing establishments;

(v) for the establishment of institutional controls that have been selected or approved by the:

(A) United States environmental protection agency as part of a remedy for a facility under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601, et seq.; or

(B) department of environmental quality as part of a remedy for a facility under the Montana Comprehensive Environmental Cleanup and Responsibility Act, Title 75, chapter 10, part 7; and

(vi) to implement the public health laws;

(d) adopt rules necessary to implement and enforce regulations adopted by the local governing body; and

(e) promote cooperation and formal collaborative agreements between the local board of health and tribes, tribal organizations, and the Indian health service regarding public health planning, priority setting, information and data sharing, reporting, resource allocation, service delivery, jurisdiction, and other matters addressed in this title.

(3) A local board of health may provide, implement, facilitate, or encourage other public health services and functions as considered reasonable and necessary.

(4) A directive, mandate, or order issued by a local board of health in response to a declaration of emergency or disaster by the governor as allowed in 10-3-303 or by the principal executive officer of a political subdivision as allowed in 10-3-402 and 10-3-403:

(a) remains in effect only during the declared state of emergency or disaster or until the governing body holds a public meeting and allows public comment and the majority of the governing body moves to amend, rescind, or otherwise change the directive, mandate, or order; and

(b) may not interfere with or otherwise limit, modify, or abridge a person's physical attendance at or operation of a religious facility, church, synagogue, or other place of worship.

(5) A regulation allowed in subsection (2)(c)(i), (2)(c)(ii), or (2)(c)(vi) adopted or a directive, mandate, or order implemented to carry out the provisions of this part that applies to the entire jurisdictional area of a town, city, or county under the jurisdiction of the local health board may not:

(a) compel a private business to deny a customer of the private business access to the premises or access to goods or services;

(b) deny a customer of a private business the ability to access goods or services provided by the private business; or

(c) include any of the following actions for noncompliance of actions described in subsections (5)(a) and (5)(b):

(i) require the assessment of a fee or fine;

(ii) require the revocation of a license required for the operation of a private business;

(iii) find a private business owner guilty of a misdemeanor; or

(iv) bring any other retributive action against a private business owner, including but not limited to an action allowed under 50-2-123, a penalty allowed under 50-2-124, or any other criminal charge.

(6) The prohibition provided for in subsection (5)(b) does not apply to persons confirmed to have a communicable disease and who are currently under a public isolation order.

(7) The prohibitions provided for in subsection (5) do not restrict a local board of health from exercising its authority under this section to enforce and ensure compliance by private businesses with all lawfully adopted regulations, directives, and orders.

(8) As used in this section, "private business" means an individual or entity that is not principally a part of or associated with a government unit. The term includes but is not limited to a nonprofit or for-profit entity, a corporation, a sole proprietorship, or a limited liability company."

Section 3. Coordination instruction. If both House Bill No. 658 and [this act] are passed and approved and if House Bill No. 658 contains a section amending 50-2-130, then the reference to "or local standards adopted in compliance with 50-2-130" in [subsection (1)(j) of section 1 or 2 of this act], amending 50-2-116, must be removed.

Approved May 1, 2025

CHAPTER NO. 257

[HB 324]

AN ACT REVISING VOLUNTARY PAYMENTS LAWS TO INCLUDE ALL CLAIMS; REVISING LEGISLATIVE POLICY FOR VOLUNTARY PAYMENTS TO INCLUDE ALL CLAIMS; PROVIDING THAT CERTAIN BAD FAITH INSURANCE ACTIONS DO NOT APPLY TO VOLUNTARY PAYMENTS; AMENDING SECTIONS 26-1-701, 26-1-703, AND 26-1-706, MCA; AND PROVIDING AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 26-1-701, MCA, is amended to read:

"**26-1-701. Legislative policy.** The legislature declares that the health, welfare, and safety of the people of the state of Montana would be enhanced by the expeditious handling of ~~liability~~ claims. The legislature further declares that the handling of ~~liability~~ claims would be expedited if voluntary payment by or on behalf of one person to or on behalf of a person who ~~has sustained injury to that person or damage to that person's property could~~ *possesses a claim may* not be construed as an admission of fault or liability as to any claim ~~arising out of the occurrence that gave rise to the injury or damage~~."

Section 2. Section 26-1-703, MCA, is amended to read:

"**26-1-703. Voluntary partial payment of claim not an admission of fault or waiver.** *(1)* ~~No~~ *A* voluntary partial payment of a claim against any person based on alleged liability of that person ~~for injury to person, including death, or damage to property arising out of any occurrence shall~~ *may not* be construed as an admission of fault or liability or as a waiver or release of claim by the person to whom or in whose behalf ~~such~~ *the* payment was made. ~~No~~ *A* voluntary partial payment ~~shall~~ *may not* be construed to reduce the amount of damages ~~which~~ *that* may be pleaded or proved in any action arising out of ~~such~~ *the* occurrence.

(2) This section does not apply to actions brought under 33-18-201 or 33-18-242.

(3) This section does not apply to proceedings to determine attorney fees relating to breach of contract, including but not limited to proceedings involving:

(a) offers of judgment; or

(b) claims seeking attorney fees from an insurer.

(4) This section does not apply to damages awarded after the entry of a verdict at the discretion of the court, including as provided in 30-14-133, 33-25-402, 70-16-106, 70-16-107, and 70-27-206."

Section 3. Section 26-1-706, MCA, is amended to read:

"**26-1-706. Effect of payment on judgment.** After entry of a judgment in an action for damages ~~for personal injuries, including death, or for damage to property arising out of any occurrence~~, any voluntary partial payment ~~theretofore~~ made ~~shall~~ *up to that time must* be treated as a credit against ~~such~~ *the* judgment and ~~shall~~ *must* be deductible from the amount of ~~such~~ *the* judgment. If after partial voluntary payments are made as ~~herein~~ provided ~~for~~ *in this section*, it ~~shall~~ *must* be determined by a court of competent jurisdiction that the person who made ~~such~~ *the* payments or on whose behalf ~~such~~ *the* payments ~~were~~ *are* made is liable for an amount ~~which~~ *that* is less than the amount of the voluntary payments already made, ~~such~~ *the* person ~~shall~~ *may not* have ~~no~~ *a* right of action for the recovery of the amount by which the voluntary payments exceeded the amount of the judgment."

Section 4. Applicability. [This act] applies to liability claims in which a cause of action has accrued on or after October 1, 2025.

Approved May 1, 2025

CHAPTER NO. 258

[HB 325]

AN ACT REVISING COVENANT LAWS; AND AMENDING SECTION 70-17-210, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 70-17-210, MCA, is amended to read:

"**70-17-210. Covenant enforcement and abandonment.** (1) ~~An association or any party to an interest in land subject to a covenant, condition, or restriction~~ *The following persons* may initiate a legal action to enforce covenants, conditions, or restrictions~~.~~*:*

(a) a party to an agreement containing real property covenants, conditions, or restrictions or the party's successors in interest;

(b) the owner of an interest in real property burdened or benefited by a covenant, condition, or restriction; or

(c) a homeowners' association or other governing body of a real property development subject to covenants, conditions, or restrictions.

(2) ~~A parcel~~ *The* owner *of an interest in real property subject to a covenant, condition, or restriction* may assert a defense that a covenant, condition, or restriction has been abandoned for purposes of enforcement by offering evidence that no enforcement action has been undertaken for the prescribed period in 27-2-202. Once a covenant, condition, or restriction is abandoned by a court order or agreed to have been abandoned by the approval of the appropriate association *or governing body*~~,~~ by recording a notice of abandonment or amendment in the office of the county clerk and recorder of the county where the ~~development~~ *property* is situated, all persons are precluded from undertaking a different interpretation or enforcement action of the abandoned covenant, condition, or restriction against a similarly situated ~~parcel~~ owner ~~in~~

~~the same development~~ *of an interest in real property subject to the abandoned covenant, condition, or restriction.*

(3) (a) Except as provided in subsection (3)(b), an association *or governing body of a real property development* that has not met for a period of 15 years is prohibited from taking an enforcement action against ~~a parcel owner~~ *the owner of an interest in real property subject to a covenant, condition, or restriction* whose use of the ~~parcel~~ *property* is substantially similar to the nature and scope of the use of other ~~parcels~~ *properties* in the development.

(b) Covenants, conditions, and restrictions are still valid and enforceable under this subsection (3) if they are otherwise necessary:

(i) to comply with applicable federal, state, and local laws, ordinances, and regulations;

(ii) for an easement or right-of-way;

(iii) for the maintenance of infrastructure or improvements ~~in the development~~ *serving the real properties burdened or benefited by the covenants, conditions, or restrictions*;

(iv) to comply with a court order or the approval provided by a government on the establishment of the covenants, conditions, and restrictions;

(v) for the installation, maintenance, or removal of utilities; or

(vi) to abate a nuisance."

Approved May 1, 2025

CHAPTER NO. 259

[HB 328]

AN ACT REVISING HUNTING LICENSES FOR RESIDENTS OVER 75 YEARS OF AGE; ALLOWING RESIDENTS OVER 75 YEARS OF AGE TO HARVEST ANTLERLESS ELK USING GENERAL ELK LICENSES ON PRIVATE LANDS IN CERTAIN DISTRICTS; AND AMENDING SECTION 87-2-801, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 87-2-801, MCA, is amended to read:

"**87-2-801. Licenses for residents over 62 years of age.** *(1)* A resident, as defined in 87-2-102, who is 62 years of age or older may purchase the following for one-half the cost:

~~(1)~~*(a)* a conservation license;

~~(2)~~*(b)* a Class A fishing license;

~~(3)~~*(c)* a Class A-1 upland game bird license;

~~(4)~~*(d)* a Class A-3 deer A tag;

~~(5)~~*(e)* a Class A-5 elk tag;

~~(6)~~*(f)* a Class AAA combination sports license that does not include a Class A-6 black bear tag.

(2) A resident, as defined in 87-2-102, who is 75 years of age or older may use a general elk license to harvest an antlerless elk:

(a) during any season in a hunting district in which a youth under 15 years of age may harvest an antlerless elk; and

(b) on privately owned land."

Approved May 1, 2025

CHAPTER NO. 260

[HB 330]

AN ACT REVISING LAWS RELATED TO AUCTION AND LOTTERY LICENSES; CREATING AUCTION OR LOTTERY LICENSES FOR ANTELOPE AND SWANS; DESIGNATING PROCEEDS FROM LICENSE SALES; AND PROVIDING RULEMAKING AUTHORITY.

Be it enacted by the Legislature of the State of Montana:

Section 1. Auction or lottery of antelope license. (1) The commission may issue one either sex antelope license each year through a competitive auction or lottery. The commission shall promulgate rules for the use of the license and conduct of the auction or lottery. A wildlife conservation organization that focuses on the conservation of antelope may be authorized to conduct the license auction or lottery, in which case the authorized organization may retain up to 10% of the proceeds of the sale to cover reasonable auction or lottery expenses.

(2) All proceeds remaining from the auction or lottery, whether conducted by the commission or as otherwise authorized by the commission, must be used by the department for the substantial benefit of antelope. The proceeds from the auction or lottery must be used in addition to any other funds that the department uses for the management of antelope.

Section 2. Auction or lottery of swan license. (1) The commission may issue one swan license each year through a competitive auction or lottery. The commission shall promulgate rules for the use of the license and conduct of the auction or lottery. A wildlife conservation organization that focuses on the conservation of migratory game birds may be authorized to conduct the license auction or lottery, in which case the authorized organization may retain up to 10% of the proceeds of the sale to cover reasonable auction or lottery expenses.

(2) All proceeds remaining from the auction or lottery, whether conducted by the commission or as otherwise authorized by the commission, must be used by the department for the substantial benefit of migratory game birds. The proceeds from the auction or lottery must be used in addition to any other funds that the department uses for the management of migratory game birds.

Section 3. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 87, chapter 2, part 8, and the provisions of Title 87, chapter 2, part 8, apply to [sections 1 and 2].

Approved May 1, 2025

CHAPTER NO. 261

[HB 333]

AN ACT PROVIDING FOR LOCAL LAW ENFORCEMENT SERVICE REGULATIONS FOR CITIES AND TOWNS; PROVIDING LOCAL LAW ENFORCEMENT SERVICE FEE GUIDELINES; SUPERSEDING THE UNFUNDED MANDATE LAWS; PROVIDING A DEFINITION; AND AMENDING SECTION 7-32-4101, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 7-32-4101, MCA, is amended to read:

"**7-32-4101. Police department authorized and required -- *requirements for county sheriff services -- charge for local law enforcement services -- dispute resolution -- definition.*** *(1) Unless*

otherwise provided in subsection (2), ~~There~~ *there* ~~shall~~ *must* be in every city and town of this state a police department ~~which shall~~ *that must* be organized, managed, and controlled as provided in this part.

(2) A third-class city or a town of this state may enter into a contract or interlocal agreement, in whole or in part, with a state-recognized local law enforcement agency within the third-class city or town's county to satisfy the requirement in subsection (1).

(3) The sheriff of the county where a city or town is located shall provide law enforcement services, as provided by law, within that city or town if that city or town does not maintain a police department and does not have an agreement as provided in subsection (2). A city or town receiving law enforcement services by the county sheriff as provided in this subsection (3) is required to pay for the law enforcement services.

(4) If a city or town and the county, the sheriff of which is required to provide law enforcement services to the city or town, as provided in subsection (3), are unable to come to an agreement as to the price to pay for law enforcement services, the city or town or the county shall request the local government center at Montana state university to moderate a discussion between the local governing body of the city or town and the county after 30 days of the municipality not having law enforcement services. If an agreement cannot be made within 30 days of the moderated meeting as to the price to pay for law enforcement services provided in subsection (3), the parties shall submit the matter to binding arbitration, with an arbitrator mutually agreed on by the parties, which shall determine a fair price to be paid by the city or town to the county for the sheriff providing law enforcement services. The agreement issued through binding arbitration may not be in effect longer than 2 years.

(5) All costs incurred by the local government center in subsection (4) must be equally shared between the county and the city or town.

(6) For the purposes of this section, "sheriff" means an elected or appointed county sheriff or the sheriff's designee."

Section 2. Unfunded mandate laws superseded. The provisions of [this act] expressly supersede and modify the requirements of 1-2-112 through 1-2-116.

Section 3. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Approved May 1, 2025

CHAPTER NO. 262

[HB 336]

AN ACT PROVIDING FOR APPRENTICESHIP PROGRAMS FOR CERTAIN PROFESSIONAL LICENSE TYPES; REQUIRING A BOARD OR PROGRAM TO GRANT A LICENSE TO AN APPLICANT WHO COMPLETES A NATIONALLY RECOGNIZED APPRENTICESHIP; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING LICENSE TYPES ALLOWED IN THE FEDERAL APPRENTICESHIP PROGRAM.

Be it enacted by the Legislature of the State of Montana:

Section 1. Apprenticeships -- licensure. (1) A board or program shall grant a license listed in subsection (3) of this section to a person who

completes an apprenticeship program under Title 39, chapter 6, in the relevant occupation or profession.

(2) An applicant for licensure through an apprenticeship program shall meet the same exam and fee requirements as an applicant who completes an educational program prior to licensure.

(3) The following licenses are subject to the provisions of this section:

(a) for the board of barbers and cosmetologists, Title 37, chapter 31:

(i) barbering;

(ii) barbering nonchemical;

(iii) cosmetology;

(iv) electrology;

(v) esthetics; and

(vi) manicuring;

(b) for the board of behavioral health, Title 37, chapter 39:

(i) addiction counseling; and

(ii) peer support specialist;

(c) for the board of clinical laboratory science practitioners, Title 37, chapter 34, clinical laboratory technician;

(d) for the board of funeral service, Title 37, chapter 19, mortician;

(e) for the board of massage therapy, Title 37, chapter 33, massage therapist;

(f) for the board of medical examiners, Title 37, chapter 3, emergency medical technician;

(g) for the board of nursing, Title 37, chapter 8:

(i) licensed practical nurse;

(ii) medication aide II; and

(iii) registered nurse;

(h) for the board of pharmacy, Title 37, chapter 7, pharmacy technician;

(i) for the board of physical therapy examiners, Title 37, chapter 11, physical therapy assistant;

(j) for the board of plumbers; Title 37, chapter 69, journeyman plumber;

(k) for the board of radiologic technologists, Title 37, chapter 14, radiologic technologist;

(l) for the board of veterinary medicine, Title 37, chapter 18, veterinary technician;

(m) for the department of labor and industry, Title 50, chapter 74:

(i) agricultural class engineer;

(ii) limited low-pressure engineer;

(iii) low-pressure engineer; and

(iv) third-class engineer;

(n) for the department of labor and industry, Title 37, chapter 72, construction blaster;

(o) for the department of labor and industry, Title 50, chapter 76, licensed first-class crane and hoist engineer;

(p) for the department of labor and industry, Title 37, chapter 73:

(i) elevator contractor;

(ii) elevator inspector; and

(iii) elevator mechanic;

(q) for the department of labor and industry, Title 37, chapter 16, hearing aid dispenser; and

(r) for the state electrical board, Title 37, chapter 68, journeyman electrician.

(4) Each board or program shall adopt rules for the implementation of this section.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 37, chapter 1, part 1, and the provisions of Title 37, chapter 1, part 1, apply to [section 1].

Approved May 1, 2025

CHAPTER NO. 263

[HB 342]

AN ACT REVISING LAWS RELATING TO MEDICAL MALPRACTICE AND HEALTH CARE PROVIDERS RELATING TO THE DUTY OF CARE; PROVIDING THAT A SPECIFIC RISK DOES NOT CHANGE OR HEIGHTEN THE DUTY BEYOND THE REASONABLE STANDARD OF CARE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Medical malpractice -- duty of care -- foreseeability of risks. In medical malpractice actions, the foreseeability of risks or of a specific risk does not change or heighten the duty owed beyond the reasonable standard of care applicable to the medical provider.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 27, chapter 1, part 7, and the provisions of Title 27, chapter 1, part 7, apply to [section 1].

Section 3. Effective date. [This act] is effective on passage and approval.

Section 4. Applicability. [This act] applies to medical malpractice actions filed on or after [the effective date of this act] and is intended to clarify any court ruling to the contrary.

Approved May 1, 2025

CHAPTER NO. 264

[HB 344]

AN ACT CREATING AN ADDITIONAL TYPE OF DRIVING UNDER THE INFLUENCE OFFENSE REGARDING NONCOMMERCIAL OR COMMERCIAL DRIVERS WHO HAVE A CERTAIN AMOUNT OF PROHIBITED SUBSTANCES OTHER THAN ALCOHOL OR MARIJUANA IN THEIR BLOOD; AND AMENDING SECTIONS 23-2-535, 61-2-302, 61-5-212, 61-5-231, 61-8-805, 61-8-1001, 61-8-1002, 61-8-1007, 61-8-1008, 61-8-1009, AND 61-8-1011, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 23-2-535, MCA, is amended to read:

"**23-2-535. Alcohol *and drug* concentration standards -- evidence admissible -- administration of tests.** (1) The inferences contained in 61-8-1002 apply to any criminal action or proceeding arising out of acts alleged to have been committed in violation of 23-2-523(2).

(2) Evidence of any measured amount or detected presence of alcohol or drugs in a person at the time of the act alleged, as shown by analysis of the person's blood, breath, oral fluid, or urine, and any other competent evidence bearing on the question of whether the person was under the influence of alcohol, drugs, or a combination of the two at the time of the act alleged is

admissible in any criminal action or proceeding arising out of acts alleged to have been committed in violation of 23-2-523(2).

(3) If a person charged with violation of 23-2-523(2) refuses to submit to a test of the person's blood, breath, or urine for the purpose of determining any measured amount or detected presence of alcohol~~,~~ *or drugs,* none will be given, but proof of refusal is admissible in any criminal action or proceeding arising out of acts alleged to have been committed in violation of 23-2-523(2).

(4) The provisions relating to administration of tests provided in 61-8-1019 and the definition of alcohol concentration provided in 61-8-1001 apply to any testing done to a person charged with violation of 23-2-523(2).

(5) As used in 23-2-523(2), the term "under the influence" has the meaning provided in 61-8-1001."

Section 2. Section 61-2-302, MCA, is amended to read:

"**61-2-302. Establishment of driver rehabilitation and improvement program -- participation by offending drivers.** (1) The department may establish by administrative rule a driver rehabilitation and improvement program or programs. The programs may consist of electronic or classroom instruction in rules of the road, driving techniques, defensive driving, driver attitudes and habits, actual on-the-road driver's training, and other subjects or tasks designed to contribute to proper driving attitudes, habits, and techniques and must include the requirements for obtaining a restricted probationary driver's license.

(2) Except when otherwise provided or restricted by statute, a person whose driver's license is suspended or revoked by the department, unless the suspension or revocation was for an offense under 61-8-1002(1)(a), (1)(b), (1)(c), (1)(d), ~~or~~ (1)(e), *or (1)(f),* may participate in any driver rehabilitation and improvement program established under this section if the person's license is:

(a) suspended as a result of a violation of the traffic laws of this state, unless the suspension was imposed under the authority provided in Title 61, chapter 8, part 8; or

(b) revoked and the person has:

(i) completed at least 3 months of a 1-year revocation; or

(ii) completed 1 year of a 3-year revocation; and

(iii) met the requirements for reobtaining a Montana driver's license.

(3) Notwithstanding any provision of this part inconsistent with any other law of the state of Montana, the enforcement of any suspension or revocation order that constitutes the basis for any person's participation in the driver rehabilitation and improvement program provided for in this section may be stayed if that person complies with the requirements established for the driver rehabilitation and improvement program and meets the eligibility requirements of subsection (2).

(4) If a person's driver's license has been surrendered before the person's selection for participation in the driver rehabilitation and improvement program, the license may be returned upon receipt of the person's agreement to participate in the program.

(5) The stay of enforcement of any suspension or revocation action must be terminated and the suspension or revocation action must be reinstated if a person declines to participate in the driver rehabilitation and improvement program or fails to meet the attendance or other requirements established for participation in the program.

(6) This part does not create a right to be included in any program established under this part.

(7) The department may establish a schedule of fees that may be charged to those persons participating in the driver improvement and rehabilitation

program. The fees must be used to help defray costs of maintaining the program.

(8) A person may be referred to this program by a driver improvement analyst, city judge, justice of the peace, youth court judge, or judge of a district court of the state.

(9) (a) Except as provided in subsection (9)(b), the department may issue a restricted probationary license to any person who enrolls and participates in the driver rehabilitation and improvement program. Upon issuance of a probationary license under this section, the licensee is subject to the restrictions set forth on the license.

(b) The department may not issue a restricted probationary license that would permit an individual to drive a commercial motor vehicle during a period in which:

(i) the individual is disqualified from operating a commercial motor vehicle under state or federal law; or

(ii) the individual's driver's license or driving privilege is revoked, suspended, or cancelled.

(10) It is a misdemeanor for a person to operate a motor vehicle in any manner in violation of the restrictions imposed on a restricted license issued to the person under this section."

Section 3. Section 61-5-212, MCA, is amended to read:

"**61-5-212. Driving while license suspended or revoked -- penalty -- second offense of driving without licensing exemption.** (1) (a) A person commits the offense of driving a motor vehicle without statutory exemption or during a suspension or revocation period if the person drives:

(i) a motor vehicle on any public highway of this state at a time when the person's privilege to drive or apply for and be issued a driver's license is suspended or revoked in this state or any other state unless the person has obtained a restricted-use driving permit under 61-5-232;

(ii) a commercial motor vehicle while the person's commercial driver's license is revoked, suspended, or cancelled in this state or any other state or the person is disqualified from operating a commercial motor vehicle or from obtaining a commercial driver's license; or

(iii) a motor vehicle on any public highway of this state without proof of a statutory exemption, as provided in 61-5-104.

(b) (i) A person convicted of the offense of driving a motor vehicle without proof of a statutory exemption for the second time shall be punished by imprisonment for not less than 2 days or more than 6 months and may be fined not more than $500.

(ii) Except as provided in subsection (1)(b)(iii), a person convicted of the offense of driving during a suspension or revocation period shall be fined an amount not to exceed $500 or be imprisoned for a term of not more than 6 months, or both.

(iii) If the reason for the suspension or revocation was that the person was convicted of a violation of 61-8-1002(1)(a), (1)(b), (1)(c), (1)(d), ~~or~~ (1)(e)*, or (1)(f)* or a similar offense under the laws of any other state or the suspension was under 61-8-1016 or a similar law of any other state for refusal to take a test for alcohol or drugs requested by a peace officer who believed that the person might be driving under the influence, the person shall be imprisoned for a term of not less than 2 days or more than 6 months or be fined an amount not to exceed $2,000, or both, and in addition, the court may order the person to perform up to 40 hours of community service.

(2) (a) Upon receiving a record of the conviction of any person under this section upon a charge of driving a noncommercial vehicle while the person's

driver's license, privilege to drive, or privilege to apply for and be issued a driver's license was suspended or revoked, the department shall extend the period of suspension or revocation for an additional 1-year period.

(b) Upon receiving a record of the conviction of any person under this section upon a charge of driving a commercial motor vehicle while the person's commercial driver's license was revoked, suspended, or cancelled or the person was disqualified from operating a commercial motor vehicle under federal regulations, the department shall suspend the person's commercial driver's license in accordance with 61-8-802."

Section 4. Section 61-5-231, MCA, is amended to read:

"**61-5-231. Authorization of probationary license by DUI court.** (1) If a person convicted of a second or subsequent misdemeanor offense of driving under the influence of alcohol or drugs under 61-8-1002(1)(a), (1)(b), (1)(c), (1)(d), ~~or~~ (1)(e), *or (1)(f),* driving with excessive alcohol concentration under 61-8-1002, or aggravated driving under the influence as defined in 61-8-1001 is participating in a DUI court as defined in 61-8-1001, the court may, in the court's discretion, authorize a probationary driver's license for the participant subject to 61-8-1010 and any other conditions imposed within the scope of the court's authority.

(2) If the participant fails to comply with the court's conditions, the court may revoke the probationary driver's license and impose a driver's license suspension for the time period established pursuant to 61-5-208 commencing from the date of the court's revocation of the probationary license."

Section 5. Section 61-8-805, MCA, is amended to read:

"**61-8-805. Suspension for operating commercial vehicle with alcohol concentration of 0.04 or more -- hearing.** (1) A person whose alcohol concentration is 0.04 or more while the person drives or is in actual physical control of a commercial motor vehicle is subject to the suspension of the person's commercial driver's license. The peace officer who determines that the person is operating a commercial motor vehicle with an alcohol concentration of 0.04 or more shall immediately seize the person's commercial driver's license and, on behalf of the department, give the person written notice of the license suspension and the right to a hearing under 61-8-808. Upon receipt of a report certified under penalty of law from the peace officer that the person was operating a commercial motor vehicle with an alcohol concentration of 0.04 or more, the department shall suspend the license, with no provision for a restricted probationary commercial license, for:

(a) 1 year, upon receipt of the first report of a 0.04 or more alcohol concentration violation, except that if the violation occurred in a commercial motor vehicle transporting placardable hazardous materials, the suspension must be for 3 years; and

(b) life, upon receipt of a second or subsequent 0.04 or more alcohol concentration violation report at any time as determined from the records of the department, subject to federal rules allowing for driver rehabilitation and license reinstatement, if otherwise eligible, upon service of a minimum period of 10 years' suspension.

(2) A peace officer who determines that a commercial motor vehicle operator has a measured amount or detected presence of alcohol in the operator's body while operating a commercial motor vehicle shall place the commercial motor vehicle operator out of service as mandated by federal regulations for 24 hours.

(3) The fact that a person charged with a violation of the provisions of subsection (1) is entitled to use alcohol under the laws of Montana is not a defense against a charge of violating the provisions of subsection (1).

(4) For *the* purposes of this section, a conviction for violation of 61-8-1002(1)(a), (1)(b), (1)(c), (1)(d), ~~or~~ (1)(e)*, or (1)(f)* while operating a commercial motor vehicle or a prior refusal to be tested under an implied consent law must be treated as a prior report of a 0.04 or more alcohol concentration violation and must be used in determining the length of the license suspension under subsection (1)."

Section 6. Section 61-8-1001, MCA, is amended to read:

"**61-8-1001. Definitions.** As used in this part, unless the context requires otherwise and unless a different meaning plainly is required, the following definitions apply:

(1) "Aggravated driving under the influence" means a person is in violation of 61-8-1002(1)(a), (1)(b), (1)(c), ~~or~~ (1)(d)*, or (1)(f)* and:

(a) the person's alcohol concentration, as shown by analysis of the person's blood, breath, or other bodily substance, is 0.16 or more;

(b) the person is under the order of a court or the department to equip any motor vehicle the person operates with an approved ignition interlock device;

(c) the person's driver's license or privilege to drive is suspended, cancelled, or revoked as a result of a prior violation of driving under the influence, including a violation of 61-8-1002(1)(a), (1)(b), (1)(c), ~~or~~ (1)(d), *or (1)(f),* an offense that meets the definition of aggravated driving under the influence, or a similar offense under previous laws of this state or the laws of another state; or

(d) the person refuses to give a breath sample as required in 61-8-1016 and the person's driver's license or privilege to drive was suspended, cancelled, or revoked under the provisions of an implied consent statute.

(2) "Alcoholic beverage" means a compound produced for human consumption as a drink that contains 0.5% or more of alcohol by volume.

(3) "Alcohol concentration" means either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath, including as used in 16-6-305, 23-2-535, 45-5-207, 67-1-211, and this title.

(4) "Bus" means a motor vehicle with a manufacturer's rated seating capacity of 11 or more passengers, including the driver.

(5) "Camper" has the meaning provided in 61-1-101.

(6) "Commercial motor vehicle" has the meaning provided in 61-1-101.

(7) "Drug" means any substance that when taken into the human body can impair a person's ability to operate a vehicle safely. The term includes the meanings provided in 50-32-101(6), (7), and (14).

(8) "DUI court" means any court that has established a special docket for handling cases involving persons convicted under 61-8-1007 or 61-8-1008 and that implements a program of incentives and sanctions intended to assist a participant to complete treatment ordered pursuant to 61-8-1009 and to end the participant's criminal behavior associated with the use of alcohol or drugs.

(9) "Highway" has the meaning provided in 61-1-101, including the shoulders of the highway.

(10) "Motor home" has the meaning provided in 61-1-101.

(11) "Motor vehicle" has the meaning provided in 61-1-101.

(12) "Open alcoholic beverage container" means a bottle, can, jar, or other receptacle that contains any amount of an alcoholic beverage and that is open or has a broken seal or the contents of which are partially removed.

(13) "Passenger area" means the area designed to seat the driver and passengers while a motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while the driver or a passenger is seated in the vehicle, including an unlocked glove compartment.

(14) "Under the influence" means that as a result of taking into the body alcohol, drugs, or any combination of alcohol and drugs, a person's ability to safely operate a vehicle has been diminished.

(15) "Vehicle" has the meaning provided in 61-1-101, except that the term does not include a bicycle."

Section 7. Section 61-8-1002, MCA, is amended to read:

"**61-8-1002. Driving under influence.** (1) A person commits the offense of driving under the influence if the person drives or is in actual physical control of:

(a) a vehicle or a commercial motor vehicle upon the ways of this state open to the public while under the influence of alcohol, any drug, or a combination of alcohol and any drug;

(b) a noncommercial vehicle upon the ways of this state open to the public while the person's alcohol concentration, as shown by analysis of the person's blood, breath, or other bodily substance, is 0.08 or more;

(c) a commercial motor vehicle within this state while the person's alcohol concentration, as shown by analysis of the person's blood, breath, or other bodily substance, is 0.04 or more;

(d) a noncommercial vehicle or commercial motor vehicle within this state while the person's tetrahydrocannabinol level, excluding inactive metabolites, as shown by analysis of the person's blood or other bodily substance, is 5 ng/ml or more; ~~or~~

(e) a vehicle within this state when the person is under 21 years of age at the time of the offense while the person's alcohol concentration, as shown by analysis of the person's blood, breath, or other bodily substance, is 0.02 or more~~.~~*; or*

(f) a noncommercial vehicle or commercial motor vehicle on the ways of this state open to the public while, without a valid prescription, the person has an amount of any of the following prohibited substances in their body, as shown by analysis of the person's blood, that is equal to or greater than:

Prohibited substance	*Blood Nanograms per milliliter*
(i) Amphetamine	*20*
(ii) Cocaine	*20*
(iii) Cocaine metabolite	*20*
(iv) Heroin	*1*
(v) Heroin metabolite:	
(A) Morphine	*20*
(B) 6-monoacetyl morphine	*1*
(vi) Lysergic acid diethylamide	*0.1*
(vii) Methamphetamine	*20*
(viii) Phencyclidine	*5*
(ix) Fentanyl	*0.5*

(2) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person driving or in actual physical control of a vehicle while under the influence of alcohol, the concentration of alcohol in the person at the time of a test, as shown by analysis of a sample of the person's blood, breath, or other bodily substance drawn or taken within a reasonable time after the alleged act, gives rise to the following inferences:

(a) if there was at that time an alcohol concentration of 0.04 or less, it may be inferred that the person was not under the influence of alcohol;

(b) if there was at that time an alcohol concentration in excess of 0.04 but less than 0.08, that fact may not give rise to any inference that the person was

or was not under the influence of alcohol, but the fact may be considered with other competent evidence in determining the guilt or innocence of the person; and

(c) if there was at that time an alcohol concentration of 0.08 or more, it may be inferred that the person was under the influence of alcohol. The inference is rebuttable.

(3) The provisions of subsection (2) do not limit the introduction of any other competent evidence bearing on the issue of whether the person was under the influence of alcohol, drugs, or a combination of alcohol and drugs.

(4) Each municipality in this state is given authority to enact this section, with the word "state" changed to read "municipality", as an ordinance and is given jurisdiction of the enforcement of the ordinance and the imposition of the fines and penalties provided in the ordinance.

(5) Absolute liability, as provided in 45-2-104, is imposed for a violation of this section.

(6) When the same acts may establish the commission of an offense under subsection (1), a person charged with the conduct may be prosecuted for a violation of another relevant subsection under subsection (1). However, the person may be convicted of only one offense under this section or of a similar offense under previous laws of this state."

Section 8. Section 61-8-1007, MCA, is amended to read:

"**61-8-1007. Penalty for driving under influence -- first through third offenses.** (1) (a) Except as provided in subsection (1)(b) or (1)(c), a person convicted of a violation of 61-8-1002(1)(a) shall be punished as follows:

(i) for a first violation, by imprisonment for not less than 24 consecutive hours or more than 6 months and by a fine of not less than $600 or more than $1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 48 consecutive hours or more than 1 year and by a fine of not less than $1,200 or more than $2,000;

(ii) for a second violation, by imprisonment for not less than 7 days or more than 1 year and by a fine of not less than $1,200 or more than $2,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 14 days or more than 1 year and a fine of not less than $2,400 or more than $4,000; or

(iii) for a third violation, by imprisonment for not less than 30 days or more than 1 year and by a fine of not less than $2,500 or more than $5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 60 days or more than 1 year and by a fine of not less than $5,000 or more than $10,000.

(b) If the person has a prior conviction under 45-5-106, the person shall be punished as provided in 61-8-1008.

(c) If the person has a prior conviction or pending charge for a violation of driving under the influence, including 61-8-1002(1)(a), (1)(b), (1)(c), or (1)(d), or a similar offense under previous laws of this state or the laws of another state that meets the definition of aggravated driving under the influence in 61-8-1001, the person shall be punished as provided in subsection (4).

(d) The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

(e) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-1009. During any suspended portion of sentence imposed by the court:

(i) the person is subject to all conditions of the suspended sentence imposed by the court, including mandatory participation in drug or DUI courts, if available;

(ii) the person is subject to all conditions of the 24/7 sobriety and drug monitoring program, if available and if imposed by the court; and

(iii) if the person violates any condition of the suspended sentence or any treatment requirement, the court may impose the remainder of any imprisonment term that was imposed and suspended.

(2) (a) Except as provided in subsection (2)(b) or (2)(c), a person convicted of a violation of 61-8-1002(1)(b), (1)(c), ~~or~~ (1)(d)*, or (1)(f)* shall be punished as follows:

(i) for a first violation, by imprisonment for not more than 6 months and by a fine of not less than $600 or more than $1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not more than 6 months and by a fine of not less than $1,200 or more than $2,000;

(ii) for a second violation, by imprisonment for not less than 5 days or more than 1 year and by a fine of not less than $1,200 or more than $2,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 10 days or more than 1 year and by a fine of not less than $2,400 or more than $4,000; or

(iii) for a third violation, by imprisonment for not less than 30 days or more than 1 year and by a fine of not less than $2,500 or more than $5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 60 days or more than 1 year and by a fine of not less than $5,000 or more than $10,000.

(b) If the person has a prior conviction under 45-5-106, the person shall be punished as provided in 61-8-1008.

(c) If the person has a prior conviction or pending charge for a violation of driving under the influence, including 61-8-1002(1)(a), (1)(b), (1)(c), or (1)(d), or a similar offense under previous laws of this state or the laws of another state that meets the definition of aggravated driving under the influence in 61-8-1001, the person shall be punished as provided in subsection (4).

(d) The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

(e) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-1009. During any suspended portion of sentence imposed by the court:

(i) the person is subject to all conditions of the suspended sentence imposed by the court, including mandatory participation in drug or DUI courts, if available;

(ii) the person is subject to all conditions of the 24/7 sobriety and drug monitoring program, if available and if imposed by the court; and

(iii) if the person violates any condition of the suspended sentence or any treatment requirement, the court may impose the remainder of any imprisonment term that was imposed and suspended.

(3) (a) A person convicted of a violation of 61-8-1002(1)(e) shall be punished as follows:

(i) Upon a first conviction under this section, a person shall be punished by a fine of not less than $100 or more than $500.

(ii) Upon a second conviction under this section, a person shall be punished by a fine of not less than $200 or more than $500 and, if the person is 18 years of age or older, by incarceration for not more than 10 days.

(iii) Upon a third or subsequent conviction under this section, a person shall be punished by a fine of not less than $300 or more than $500 and, if the person is 18 years of age or older, by incarceration for not less than 24 consecutive hours or more than 60 days.

(iv) In addition to the punishment provided in this section, regardless of disposition:

(A) the person shall comply with the chemical dependency education course and chemical dependency treatment provisions in 61-8-1009 as ordered by the court; and

(B) the department shall suspend the person's driver's license for 90 days upon the first conviction, 6 months upon the second conviction, and 1 year upon the third or subsequent conviction. A restricted or probationary driver's license may not be issued during the suspension period until the person has paid a license reinstatement fee in accordance with 61-2-107 and, if the person was under the age of 18 at the time of the offense, has completed at least 30 days of the suspension period.

(b) A conviction under this section may not be counted as a prior offense or conviction under 61-8-1007, 61-8-1008, and 61-8-1011.

(4) (a) A person convicted of a violation under 61-8-1002 charged as aggravated driving under the influence, as defined in 61-8-1001, shall be punished as follows:

(i) for a first violation, by imprisonment for not less than 2 days or more than 1 year and by a fine of $1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 4 consecutive days or more than 1 year and by a fine of $2,000;

(ii) for a second violation, by imprisonment for not less than 15 days or more than 1 year and by a fine of $2,500, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 45 days or more than 1 year and by a fine of $5,000; or

(iii) for a third violation, by imprisonment for not less than 40 consecutive days or more than 1 year and by a fine of $5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 90 consecutive days or more than 1 year and by a fine of $10,000.

(b) The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

(c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-1009. During any suspended portion of sentence imposed by the court:

(i) the person is subject to all conditions of the suspended sentence imposed by the court, including mandatory participation in drug or DUI courts, if available;

(ii) the person is subject to all conditions of the 24/7 sobriety and drug monitoring program, if available and if imposed by the court; and

(iii) if the person violates any condition of the suspended sentence or any treatment requirement, the court may impose the remainder of any imprisonment term that was imposed and suspended.

(d) If the person has a prior conviction under 45-5-106, the person shall be punished as provided in 61-8-1008.

(5) In addition to the punishment provided in this section, regardless of disposition, the person shall comply with the chemical dependency education course and chemical dependency treatment provisions in 61-8-1009 as ordered by the court.

(6) A person punished pursuant to this section is subject to mandatory revocation or suspension of the person's driver's license as provided in chapter 5."

Section 9. Section 61-8-1008, MCA, is amended to read:

"**61-8-1008. Penalty for driving under influence -- fourth and subsequent offenses.** (1) (a) A person convicted of a violation of driving under the influence, including 61-8-1002(1)(a), (1)(b), (1)(c), ~~or~~ (1)(d), *or (1)(f),* an offense that meets the definition of aggravated driving under the influence in 61-8-1001, or a similar offense under previous laws of this state or the laws of another state, who has also been convicted under either 45-5-106 or any combination of three or more convictions under 45-5-104, 45-5-205, 45-5-628(1)(e), driving under the influence, including 61-8-1002(1)(a), (1)(b), (1)(c), ~~or~~ (1)(d), *or (1)(f),* an offense that meets the definition of aggravated driving under the influence in 61-8-1001, or a similar offense under previous laws of this state or the laws of another state, and the offense under 45-5-104 occurred while the person was operating a vehicle while under the influence of alcohol, any drug, or any combination of alcohol and any drug, as provided in 61-8-1002(1)(a), is guilty of a felony and shall be punished by:

(i) being sentenced to the department of corrections for a term of not less than 13 months or more than 2 years for placement in either an appropriate correctional facility or a program, followed by a consecutive term of 5 years to the Montana state prison or the Montana women's prison, all of which must be suspended, and a fine of not less than $5,000 or more than $10,000; or

(ii) being sentenced to a term of up to 5 years in an appropriate treatment court program, with required completion, and a fine of not less than $5,000 or more than $10,000. If sentenced under this alternative, the person may be entitled to a suspended sentence but is not eligible for a deferred imposition of sentence.

(b) Regarding the sentence provided for in subsection (1)(a)(i):

(i) the imposition or execution of the sentence may not be deferred or suspended, and the person is not eligible for parole;

(ii) the program in subsection (1)(a)(i) may be a residential alcohol treatment program approved by the department of corrections;

(iii) following initial placement of a defendant in a residential alcohol treatment program facility, the department of corrections may, at its discretion, place the offender in another facility or program;

(iv) the court shall order that if the person successfully completes a residential alcohol treatment program approved by the department of corrections, the remainder of the 13-month to 2-year term must be served on probation with the conditions that:

(A) the person abide by the standard conditions of probation promulgated by the department of corrections;

(B) a person who is financially able to pay the costs of imprisonment, probation, and alcohol treatment under this section does so;

(C) the person may not frequent an establishment where alcoholic beverages are served;

(D) the person may not consume alcoholic beverages;

(E) the person may not operate a motor vehicle unless authorized by the person's probation officer;

(F) the person enter in and remain in an aftercare treatment program for the entirety of the probationary period;

(G) the person submit to random or routine drug and alcohol testing; and

(H) if the person is permitted to operate a motor vehicle, the vehicle be equipped with an ignition interlock system; and

(v) the sentencing judge may impose on the defendant any other reasonable restrictions or conditions during the period of probation. Reasonable restrictions or conditions may include but are not limited to:

(A) payment of a fine as provided in 46-18-231;

(B) payment of costs as provided in 46-18-232 and 46-18-233;

(C) payment of costs of assigned counsel as provided in 46-8-113;

(D) community service;

(E) any other reasonable restrictions or conditions considered necessary for rehabilitation or for the protection of society; or

(F) any combination of the restrictions or conditions listed in subsections (1)(b)(v)(A) through (1)(b)(v)(E).

(2) A person convicted of a violation of driving under the influence, including 61-8-1002(1)(a), (1)(b), (1)(c), ~~or~~ (1)(d), *or (1)(f),* an offense that meets the definition of aggravated driving under the influence in 61-8-1001, or a similar offense under previous laws of this state or the laws of another state, and who has also been convicted under either 45-5-106 or any combination of four or more prior convictions under 45-5-104, 45-5-205, 45-5-628(1)(e), driving under the influence, including 61-8-1002(1)(a), (1)(b), (1)(c), ~~or~~ (1)(d), *or (1)(f),* an offense that meets the definition of aggravated driving under the influence in 61-8-1001, or a similar offense under previous laws of this state or the laws of another state, and the offense under 45-5-104 occurred while the person was operating a vehicle while under the influence of alcohol, a dangerous drug, any other drug, or any combination of the three, as provided in 61-8-1002(1)(a), and the person was previously sentenced under subsection (1)(a)(i) or (1)(a)(ii), the person shall be punished by a fine of not less than $5,000 or more than $10,000, and by imprisonment in the state prison for a term of not more than 10 years. The person is not eligible for a deferred imposition of sentence.

(3) If a person has previously been convicted and sentenced under subsection (2), the person shall be punished by a fine of not less than $5,000 or more than $10,000 and by imprisonment in the state prison for a term of not more than 25 years. The person is not eligible for a deferred imposition of sentence.

(4) If a person who is presently being sentenced has previously been convicted and sentenced under subsection (3) on one or more occasions, the person shall be punished by a fine of not less than $5,000 or more than $10,000 and by imprisonment in the state prison for a term of not less than 5 years or more than 25 years. The first 5 years of the sentence may not be suspended.

(5) The provisions of 46-18-203, 46-23-1001 through 46-23-1005, 46-23-1011 through 46-23-1014, and 46-23-1031 apply to a person sentenced under this section.

(6) A person punished pursuant to this section is subject to mandatory revocation or suspension of the person's driver's license as provided in chapter 5."

Section 10. Section 61-8-1009, MCA, is amended to read:

"**61-8-1009. Driving under influence -- assessment, education, and treatment required.** (1) In addition to the punishments provided in 61-8-1007 and 61-8-1008, regardless of disposition, a defendant convicted of a violation of driving under the influence, including 61-8-1002, an offense that meets the definition of aggravated driving under the influence in 61-8-1001, or a similar offense under previous laws of this state or the laws of another state shall complete a chemical dependency assessment and:

(a) for a first conviction, except as provided in subsection (8)(b), a chemical dependency education course; and

(b) for a second or subsequent conviction for a violation of driving under the influence, including 61-8-1002(1)(a), (1)(b), (1)(c), ~~or~~ (1)(d), *or (1)(f),* an offense that meets the definition of aggravated driving under the influence in 61-8-1001, or a similar offense under previous laws of this state or the laws of another state, except a fourth or subsequent conviction for which the defendant completes a residential alcohol treatment program under 61-8-1008(1)(a)(i), or as required by subsection (8) of this section, chemical dependency treatment.

(2) The sentencing judge may, in the judge's discretion, require the defendant to complete the chemical dependency assessment prior to sentencing the defendant. If the assessment is not ordered or completed before sentencing, the judge shall order the chemical dependency assessment as part of the sentence.

(3) The chemical dependency assessment and the chemical dependency education course must be completed at a treatment program approved by the department of public health and human services and must be conducted by a licensed addiction counselor. Approved programs must be evidence-based programs. The defendant may attend a treatment program of the defendant's choice as long as the treatment services are provided by a licensed addiction counselor. The defendant shall pay the cost of the assessment, the education course, and chemical dependency treatment and may use health insurance to cover the costs when possible.

(4) The assessment must describe the defendant's level of addiction, if any, and contain a recommendation as to education, treatment, or both. The assessment must conform to quality standards required by the department of public health and human services. A defendant who disagrees with the initial assessment may, at the defendant's cost, obtain a second assessment provided by a licensed addiction counselor or a program approved by the department of public health and human services.

(5) The treatment provided to the defendant at a treatment program must be at a level appropriate to the defendant's alcohol or drug problem, or both, as determined by a licensed addiction counselor pursuant to diagnosis and patient placement rules adopted by the department of public health and human services. The rules must include evidence-based treatment programs or courses approved by the department that are likely to reduce recidivism. Upon determination, the court shall order the defendant's appropriate level of treatment. If more than one counselor makes a determination as provided in this subsection, the court shall order an appropriate level of treatment based on the determination of one of the counselors.

(6) Each counselor providing education or treatment shall, at the commencement of the education or treatment, notify the court that the defendant has been enrolled in a chemical dependency education course or

treatment program. If the defendant fails to attend the course or treatment program, the counselor shall notify the court of the failure.

(7) A court or counselor may not require attendance at a self-help program other than at an open meeting, as that term is defined by the self-help program. A defendant may voluntarily participate in self-help programs.

(8) (a) Chemical dependency treatment must be ordered for a first-time or second-time offender convicted of a violation of driving under the influence, including 61-8-1002, an offense that meets the definition of aggravated driving under the influence in 61-8-1001, or a similar offense under previous laws of this state or the laws of another state upon a finding of moderate or severe alcohol or drug use disorder made by a licensed addiction counselor pursuant to diagnosis and patient placement rules adopted by the department of public health and human services.

(b) If treatment is ordered under subsection (8)(a) for a first-time offender, the offender may not also be required to attend a chemical dependency education course.

(9) (a) On a second or subsequent conviction, the treatment program provided for in subsection (5) must be followed by monthly monitoring for a period of at least 1 year from the date of admission to the program.

(b) If a defendant fails to comply with the monitoring program imposed under subsection (9)(a), the court shall revoke the suspended sentence, if any, impose any remaining portion of the suspended sentence, and may include additional monthly monitoring for up to an additional 1 year.

(10) Notwithstanding 46-18-201(2), whenever a judge suspends a sentence imposed under 61-8-1007 and orders the person to complete chemical dependency treatment under this section, the judge retains jurisdiction to impose any suspended sentence for up to 1 year."

Section 11. Section 61-8-1011, MCA, is amended to read:

"**61-8-1011. Driving under influence -- conviction defined -- place of imprisonment -- home arrest -- exceptions -- deferral of sentence not allowed.** (1) (a) For the purpose of determining the number of convictions for prior offenses referred to in 61-8-1001, 61-8-1002, 61-8-1007, and 61-8-1008, "conviction" means:

(i) a final conviction, as defined in 45-2-101, in this state, in another state, or on a federally recognized Indian reservation;

(ii) a forfeiture, which has not been vacated, of bail or collateral deposited to secure the defendant's appearance in court in this state, in another state, or on a federally recognized Indian reservation; or

(iii) a conviction for a violation of driving under the influence, including 61-8-1002(1)(a), (1)(b), (1)(c), ~~or~~ (1)(d), *or (1)(f),* an offense that meets the definition of aggravated driving under the influence in 61-8-1001, or a similar offense under previous laws of this state or the laws of another state, or a violation of a similar statute or regulation in another state or on a federally recognized Indian reservation.

(b) An offender is considered to have been previously convicted for the purposes of sentencing if less than 10 years have elapsed between the commission of the present offense and a previous conviction unless the offense is the offender's third or subsequent offense, in which case all previous convictions must be used for sentencing purposes.

(c) A previous conviction for a violation of driving under the influence, including 61-8-1002(1)(a), (1)(b), (1)(c), ~~or~~ (1)(d), *or (1)(f),* an offense that meets the definition of aggravated driving under the influence in 61-8-1001, or a similar offense under previous laws of this state or the laws of another state, or a violation of a similar statute or regulation in another state or on a federally

recognized Indian reservation, and as otherwise defined in subsection (1)(a) may be counted for the purposes of determining the number of a subsequent conviction for a violation of driving under the influence under 61-8-1002.

(d) A previous conviction for a violation of 45-5-104 for which the offense under 45-5-104 occurred while the person was operating a vehicle in violation of driving under the influence, including 61-8-1002(1)(a), (1)(b), (1)(c), ~~or~~ (1)(d), *or (1)(f),* an offense that meets the definition of aggravated driving under the influence in 61-8-1001, or a similar offense under previous laws of this state or the laws of another state, and a previous conviction for a violation of 45-5-205 or 45-5-628(1)(e) may also be counted for the purposes of determining the number of a subsequent conviction for a violation of driving under the influence under 61-8-1002.

(2) Except as provided in 61-8-1008, the court may order that a term of imprisonment imposed under 61-8-1007 or 61-8-1008 be served in another facility made available by the county and approved by the sentencing court. The defendant, if financially able, shall bear the expense of the imprisonment in the facility. The court may impose restrictions on the defendant's ability to leave the premises of the facility and may require that the defendant follow the rules of the facility. The facility may be, but is not required to be, a community-based prerelease center as provided for in 53-1-203. The prerelease center may accept or reject a defendant referred by the sentencing court.

(3) Subject to the limitations set forth in 61-8-1007 concerning minimum periods of imprisonment, the court may order that a term of imprisonment imposed under 61-8-1007 be served by imprisonment under home arrest, as provided in Title 46, chapter 18, part 10.

(4) A court may not defer imposition of sentence under 61-8-1007 or 61-8-1008.

(5) The provisions of 61-2-107, 61-5-205(2), and 61-5-208(2), relating to suspension of driver's licenses and later reinstatement of driving privileges, apply to any conviction under 61-8-1007 for a violation of 61-8-1002."

Approved May 1, 2025

CHAPTER NO. 265

[HB 352]

AN ACT GENERALLY REVISING LAWS RELATED TO THE MONTANA CHILD SUPPORT GUIDELINES; ESTABLISHING THE GUIDELINES REVIEW COMMITTEE AND ASSOCIATED DUTIES OF THE COMMITTEE; AND AMENDING SECTION 40-5-209, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 40-5-209, MCA, is amended to read:

"**40-5-209. Child support guidelines -- periodic review -- *guidelines review committee*** ~~-- oversight committee -- reporting requirement~~**.** (1) The department shall adopt uniform child support guidelines to be used to determine minimum child support amounts. In addition to giving notice and publicizing the rules as provided in the Montana Administrative Procedure Act, the department shall give notice to the supreme court, the district courts, and the state bar of Montana prior to adopting the guidelines.

(2) The guidelines must consider the factors set forth in 40-4-204(2) and 40-6-116(5).

(3) At least once every 4 years, the department shall:

(a) review the uniform child support guidelines employed to determine child support obligations to ensure that their application results in the determination of appropriate child support award amounts; ~~and~~

(b) provide for review of the guidelines by a certified public accountant as needed; and

~~(b)~~*(c)* propose any appropriate modification to the legislature.

(4) (a) There is a guidelines review committee within the department.

(b) The committee shall:

(i) meet at least quarterly; and

(ii) research, develop, and recommend proposed policy changes to the department regarding the Montana child support guidelines.

(5) (a) The department shall appoint members to the committee and provide for its administration in accordance with applicable federal regulations and guidelines.

(b) The department shall ensure that the committee includes:

(i) one member with expertise in child support who is not an employee of the department; and

(ii) one member with lived experience related to child support.

(6) The public members of the committee shall serve without compensation but may be reimbursed as provided in 2-18-501 through 2-18-503, subject to available funding."

Section 2. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

Approved May 1, 2025

CHAPTER NO. 266

[HB 367]

AN ACT REVISING WORKERS' COMPENSATION LAWS RELATING TO TRANSPORTATION; PROVIDING THAT WHETHER AN EMPLOYER FURNISHES TRANSPORTATION OR THE EMPLOYEE RECEIVES CERTAIN REIMBURSEMENT FROM THE EMPLOYER IS NOT DISPOSITIVE OF WHETHER THE EMPLOYEE IS COVERED FOR WORKERS' COMPENSATION INSURANCE; AMENDING SECTION 39-71-407, MCA; AND PROVIDING AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 39-71-407, MCA, is amended to read:

"**39-71-407. (Temporary) Liability of insurers -- limitations.** (1) For workers' compensation injuries, each insurer is liable for the payment of compensation, in the manner and to the extent provided in this section, to an employee of an employer covered under plan No. 1, plan No. 2, and the state fund under plan No. 3 that it insures who receives an injury arising out of and in the course of employment or, in the case of death from the injury, to the employee's beneficiaries, if any.

(2) An injury does not arise out of and in the course of employment when the employee is:

(a) on a paid or unpaid break, is not at a worksite of the employer, and is not performing any specific tasks for the employer during the break; or

(b) engaged in an unpaid social or recreational activity, regardless of whether the employer pays for any portion of the activity or whether the activity occurs at the worksite of the employer. The exclusion from coverage

of this subsection (2)(b) does not apply to an employee who, at the time of injury, is on paid time while participating in a social or recreational activity and whose presence at the activity is required or requested by the employer. For the purposes of this subsection (2)(b):

(i) "requested" means the employer asked the employee to assume duties for the activity so that the employee's presence is not completely voluntary and optional and the injury occurred in the performance of those duties; and

(ii) "social or recreational activity" means an activity that is generally undertaken by individuals for exercise, relaxation, pleasure, or voluntary or optional preparation related to the employment.

(3) (a) Subject to subsection (3)(c), an insurer is liable for an injury, as defined in 39-71-119, only if the injury is established by objective medical findings and if the claimant establishes that it is more probable than not that:

(i) a claimed injury has occurred; or

(ii) a claimed injury has occurred and aggravated a preexisting condition.

(b) Proof that it was medically possible that a claimed injury occurred or that the claimed injury aggravated a preexisting condition is not sufficient to establish liability.

(c) Objective medical findings are sufficient for a presumptive occupational disease as defined in 39-71-1401 but may be overcome by a preponderance of the evidence.

(4) (a) An employee who suffers an injury or dies while traveling is not covered by this chapter unless:

(i) the employer furnishes the transportation or the employee receives reimbursement from the employer for costs of travel, gas, oil, or lodging as a part of the employee's benefits or employment agreement and the travel is necessitated by and on behalf of the employer as an integral part or condition of the employment; or

(ii) the travel is required by the employer as part of the employee's job duties.

(b) A payment made to an employee under a collective bargaining agreement, personnel policy manual, or employee handbook or any other document provided to the employee that is not wages but is designated as an incentive to work at a particular jobsite is not a reimbursement for the costs of travel, gas, oil, or lodging, and the employee is not covered under this chapter while traveling.

(c) As provided in this subsection (4), whether the employer furnishes the transportation or the employee receives reimbursement for costs of travel, gas, oil, or lodging is not dispositive of whether the employee is covered by this chapter.

(5) (a) Except as provided in subsection (6), an employee is not eligible for benefits otherwise payable under this chapter if the employee's use of alcohol or drugs not prescribed by a physician is the major contributing cause of the accident.

(b) For the purposes of this subsection (5), if an employee fails or refuses to take a drug test after the accident and if the testing procedures comply with federal drug testing statutes and administrative regulations applicable to private sector employers and employees as provided in Title 39, chapter 2, there is a presumption that the major contributing cause of the accident was the employee's use of drugs not prescribed by a physician.

(6) (a) An employee who has received written certification, as defined in 16-12-502, from a physician for the use of marijuana for a debilitating medical condition and who is otherwise eligible for benefits payable under this chapter is subject to the limitations of subsections (6)(b) through (6)(d).

(b) An employee is not eligible for benefits otherwise payable under this chapter if the employee's use of marijuana for a debilitating medical condition, as defined in 16-12-102, is the major contributing cause of the injury or occupational disease.

(c) Nothing in this chapter may be construed to require an insurer to reimburse any person for costs associated with the use of marijuana for a debilitating medical condition, as defined in 16-12-102.

(d) In an accepted liability claim, the benefits payable under this chapter may not be increased or enhanced due to a worker's use of marijuana for a debilitating medical condition, as defined in 16-12-102. An insurer remains liable for those benefits that the worker would qualify for absent the worker's use of marijuana for a debilitating medical condition.

(7) The provisions of subsection (5) do not apply if the employer had knowledge of and failed to attempt to stop the employee's use of alcohol or drugs not prescribed by a physician. This subsection (7) does not apply to the use of marijuana for a debilitating medical condition because marijuana is not a prescribed drug.

(8) If there is no dispute that an insurer is liable for an injury but there is a liability dispute between two or more insurers, the insurer for the most recently filed claim shall pay benefits until that insurer proves that another insurer is responsible for paying benefits or until another insurer agrees to pay benefits. If it is later proven that the insurer for the most recently filed claim is not responsible for paying benefits, that insurer must receive reimbursement for benefits paid to the claimant from the insurer proven to be responsible.

(9) If a claimant who has reached maximum healing suffers a subsequent nonwork-related injury to the same part of the body, the workers' compensation insurer is not liable for any compensation or medical benefits caused by the subsequent nonwork-related injury.

(10) Except for cases of presumptive occupational disease as provided in 39-71-1401 and 39-71-1402, an employee is not eligible for benefits payable under this chapter unless the entitlement to benefits is established by objective medical findings that contain sufficient factual and historical information concerning the relationship of the worker's condition to the original injury.

(11) (a) For occupational diseases, every employer enrolled under plan No. 1, every insurer under plan No. 2, or the state fund under plan No. 3 is liable for the payment of compensation, in the manner and to the extent provided in this chapter, to an employee of an employer covered under plan No. 1, plan No. 2, or the state fund under plan No. 3 if the employee is diagnosed with a compensable occupational disease.

(b) The provisions of subsection (11)(a) apply to presumptive occupational disease if the employee is diagnosed and meets the conditions of 39-71-1401 and 39-71-1402.

(12) An insurer is liable for an occupational disease only if the occupational disease:

(a) is established by objective medical findings; and

(b) arises out of or is contracted in the course and scope of employment. An occupational disease is considered to arise out of or be contracted in the course and scope of employment if the events occurring on more than a single day or work shift are the major contributing cause of the occupational disease in relation to other factors contributing to the occupational disease. For the purposes of this subsection (12), an occupational disease is not the same as a presumptive occupational disease.

(13) When compensation is payable for an occupational disease or a presumptive occupational disease, the only employer liable is the employer in

whose employment the employee was last injuriously exposed to the hazard of the disease.

(14) When there is more than one insurer and only one employer at the time that the employee was injuriously exposed to the hazard of the disease, the liability rests with the insurer providing coverage at the earlier of:

(a) the time that the occupational disease or presumptive occupational disease was first diagnosed by a health care provider; or

(b) the time that the employee knew or should have known that the condition was the result of an occupational disease or a presumptive occupational disease.

(15) In the case of pneumoconiosis, any coal mine operator who has acquired a mine in the state or substantially all of the assets of a mine from a person who was an operator of the mine on or after December 30, 1969, is liable for and shall secure the payment of all benefits that would have been payable by that person with respect to miners previously employed in the mine if acquisition had not occurred and that person had continued to operate the mine, and the prior operator of the mine is not relieved of any liability under this section.

(16) As used in this section, "major contributing cause" means a cause that is the leading cause contributing to the result when compared to all other contributing causes. (Void on occurrence of contingency--sec. 7, Ch. 158, L. 2019.)

39-71-407. (Effective on occurrence of contingency) Liability of insurers -- limitations. (1) For workers' compensation injuries, each insurer is liable for the payment of compensation, in the manner and to the extent provided in this section, to an employee of an employer covered under plan No. 1, plan No. 2, and the state fund under plan No. 3 that it insures who receives an injury arising out of and in the course of employment or, in the case of death from the injury, to the employee's beneficiaries, if any.

(2) An injury does not arise out of and in the course of employment when the employee is:

(a) on a paid or unpaid break, is not at a worksite of the employer, and is not performing any specific tasks for the employer during the break; or

(b) engaged in an unpaid social or recreational activity, regardless of whether the employer pays for any portion of the activity or whether the activity occurs at the worksite of the employer. The exclusion from coverage of this subsection (2)(b) does not apply to an employee who, at the time of injury, is on paid time while participating in a social or recreational activity and whose presence at the activity is required or requested by the employer. For the purposes of this subsection (2)(b):

(i) "requested" means the employer asked the employee to assume duties for the activity so that the employee's presence is not completely voluntary and optional and the injury occurred in the performance of those duties; and

(ii) "social or recreational activity" means an activity that is generally undertaken by individuals for exercise, relaxation, pleasure, or voluntary or optional preparation related to the employment.

(3) (a) An insurer is liable for an injury, as defined in 39-71-119, only if the injury is established by objective medical findings and if the claimant establishes that it is more probable than not that:

(i) a claimed injury has occurred; or

(ii) a claimed injury has occurred and aggravated a preexisting condition.

(b) Proof that it was medically possible that a claimed injury occurred or that the claimed injury aggravated a preexisting condition is not sufficient to establish liability.

(4) (a) An employee who suffers an injury or dies while traveling is not covered by this chapter unless:

(i) the employer furnishes the transportation or the employee receives reimbursement from the employer for costs of travel, gas, oil, or lodging as a part of the employee's benefits or employment agreement and the travel is necessitated by and on behalf of the employer as an integral part or condition of the employment; or

(ii) the travel is required by the employer as part of the employee's job duties.

(b) A payment made to an employee under a collective bargaining agreement, personnel policy manual, or employee handbook or any other document provided to the employee that is not wages but is designated as an incentive to work at a particular jobsite is not a reimbursement for the costs of travel, gas, oil, or lodging, and the employee is not covered under this chapter while traveling.

(c) As provided in this subsection (4), whether the employer furnishes the transportation or the employee receives reimbursement for costs of travel, gas, oil, or lodging is not dispositive of whether the employee is covered by this chapter.

(5) (a) Except as provided in subsection (6), an employee is not eligible for benefits otherwise payable under this chapter if the employee's use of alcohol or drugs not prescribed by a physician is the major contributing cause of the accident.

(b) For the purposes of this subsection (5), if an employee fails or refuses to take a drug test after the accident and if the testing procedures comply with federal drug testing statutes and administrative regulations applicable to private sector employers and employees as provided in Title 39, chapter 2, there is a presumption that the major contributing cause of the accident was the employee's use of drugs not prescribed by a physician.

(6) (a) An employee who has received written certification, as defined in 16-12-502, from a physician for the use of marijuana for a debilitating medical condition and who is otherwise eligible for benefits payable under this chapter is subject to the limitations of subsections (6)(b) through (6)(d).

(b) An employee is not eligible for benefits otherwise payable under this chapter if the employee's use of marijuana for a debilitating medical condition, as defined in 16-12-102, is the major contributing cause of the injury or occupational disease.

(c) Nothing in this chapter may be construed to require an insurer to reimburse any person for costs associated with the use of marijuana for a debilitating medical condition, as defined in 16-12-102.

(d) In an accepted liability claim, the benefits payable under this chapter may not be increased or enhanced due to a worker's use of marijuana for a debilitating medical condition, as defined in 16-12-102. An insurer remains liable for those benefits that the worker would qualify for absent the worker's use of marijuana for a debilitating medical condition.

(7) The provisions of subsection (5) do not apply if the employer had knowledge of and failed to attempt to stop the employee's use of alcohol or drugs not prescribed by a physician. This subsection (7) does not apply to the use of marijuana for a debilitating medical condition because marijuana is not a prescribed drug.

(8) If there is no dispute that an insurer is liable for an injury but there is a liability dispute between two or more insurers, the insurer for the most recently filed claim shall pay benefits until that insurer proves that another insurer is responsible for paying benefits or until another insurer agrees to pay benefits. If it is later proven that the insurer for the most recently filed claim is

not responsible for paying benefits, that insurer must receive reimbursement for benefits paid to the claimant from the insurer proven to be responsible.

(9) If a claimant who has reached maximum healing suffers a subsequent nonwork-related injury to the same part of the body, the workers' compensation insurer is not liable for any compensation or medical benefits caused by the subsequent nonwork-related injury.

(10) An employee is not eligible for benefits payable under this chapter unless the entitlement to benefits is established by objective medical findings that contain sufficient factual and historical information concerning the relationship of the worker's condition to the original injury.

(11) For occupational diseases, every employer enrolled under plan No. 1, every insurer under plan No. 2, or the state fund under plan No. 3 is liable for the payment of compensation, in the manner and to the extent provided in this chapter, to an employee of an employer covered under plan No. 1, plan No. 2, or the state fund under plan No. 3 if the employee is diagnosed with a compensable occupational disease.

(12) An insurer is liable for an occupational disease only if the occupational disease:

(a) is established by objective medical findings; and

(b) arises out of or is contracted in the course and scope of employment. An occupational disease is considered to arise out of or be contracted in the course and scope of employment if the events occurring on more than a single day or work shift are the major contributing cause of the occupational disease in relation to other factors contributing to the occupational disease.

(13) When compensation is payable for an occupational disease, the only employer liable is the employer in whose employment the employee was last injuriously exposed to the hazard of the disease.

(14) When there is more than one insurer and only one employer at the time that the employee was injuriously exposed to the hazard of the disease, the liability rests with the insurer providing coverage at the earlier of:

(a) the time that the occupational disease was first diagnosed by a health care provider; or

(b) the time that the employee knew or should have known that the condition was the result of an occupational disease.

(15) In the case of pneumoconiosis, any coal mine operator who has acquired a mine in the state or substantially all of the assets of a mine from a person who was an operator of the mine on or after December 30, 1969, is liable for and shall secure the payment of all benefits that would have been payable by that person with respect to miners previously employed in the mine if acquisition had not occurred and that person had continued to operate the mine, and the prior operator of the mine is not relieved of any liability under this section.

(16) As used in this section, "major contributing cause" means a cause that is the leading cause contributing to the result when compared to all other contributing causes."

Section 2. Applicability. [This act] applies to claims for workers' compensation benefits in which the injury or death occurs on or after October 1, 2025.

Approved May 1, 2025

CHAPTER NO. 267

[HB 380]

AN ACT REVISING THE DATE FOR THE MEETING OF PRESIDENTIAL ELECTORS TO ALIGN WITH THE FEDERAL ELECTORAL COUNT ACT; AMENDING SECTION 13-25-307, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 13-25-307, MCA, is amended to read:

"**13-25-307. Elector voting.** (1) The electors shall meet in Helena at 2 p.m. on the first ~~Monday~~ *Tuesday* after the second Wednesday in December following their election.

(2) After all vacant positions have been filled pursuant to 13-25-306, the secretary of state shall provide each elector with a presidential and a vice presidential ballot. The elector shall mark the elector's presidential and vice presidential ballots with the elector's vote for the office of president and vice president, respectively, along with the elector's signature and the elector's legibly printed name.

(3) Unless otherwise provided by law, each elector shall present both completed ballots to the secretary of state, who shall examine the ballots and accept as cast all ballots of electors whose votes are consistent with their pledges executed under 13-25-304 or 13-25-306(3). Except as otherwise provided by law, the secretary of state may not accept and may not count either an elector's presidential or vice presidential ballot if the elector has not marked both ballots or has marked a ballot in violation of the elector's pledge.

(4) An elector who refuses to present a ballot, presents an unmarked ballot, or presents a ballot in violation of the elector's pledge executed under 13-25-304 or 13-25-306(3) vacates the office of elector, creating a vacant position to be filled under 13-25-306.

(5) The secretary of state shall distribute ballots to and collect ballots from a substitute elector and repeat the process specified in this section until all of the electoral votes have been cast and recorded."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved May 1, 2025

CHAPTER NO. 268

[HB 387]

AN ACT AMENDING THE DOCUMENTS NEEDED TO BE FILED FOR A RECONSTRUCTED OR NEW HIGHWAY; AMENDING SECTIONS 60-2-209 AND 60-4-108, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 60-2-209, MCA, is amended to read:

"**60-2-209. ~~Description and plan~~ *Plan* of new highway or reconstructed or controlled-access facility.** (1) Whenever the department establishes the location, width, and lines of any new, reconstructed, or proposed highway or the commission designates a road, street, or highway as a controlled-access facility, the department shall ~~make a description and~~ *file a right-of-way* plan showing the centerline and the established width, the immediate boundary lines of all private property over, across, or through which

the highway passes, the name of the owner of the property, the boundaries of that part of the private ownership included within the right-of-way of the highway, the parcel number assigned to that part of each ownership included within the highway right-of-way, together with the project number under which the highway is or is proposed to be constructed or reconstructed.

(2) Reference to the project number, parcel number, and section or quarter section, tract, block, or lot from which the same has been subdivided is a valid description of the parcel in all deeds given to or received from the state in which a parcel is transferred."

Section 2. Section 60-4-108, MCA, is amended to read:

"**60-4-108. No compensation in certain cases -- exceptions.** (1) Whenever the department files a ~~description and~~ *right-of-way* plan as provided in 60-2-209, no consideration, allowance, or assessment of values or compensation ~~shall~~ *may* be made in the purchase or condemnation of buildings or improvements or subdivisions placed or erected on the land covered by the plan after the filing.

(2) The establishment of the highway location covered by the ~~description and~~ *right-of-way* plan ~~shall~~ *must* be ineffective 1 year after filing if no action to condemn or acquire the property has been commenced.

(3) Nothing in this section or in 60-2-209 applies to crops or similar improvements planted on the lands described. They are governed by 70-30-302."

Section 3. Effective date. [This act] is effective July 1, 2025.

Approved May 1, 2025

CHAPTER NO. 269

[HB 388]

AN ACT PROHIBITING TARGETING PREGNANCY CENTERS FOR REGULATION OR OVERSIGHT BECAUSE PREGNANCY CENTERS DO NOT PERFORM, REFER, OR COUNSEL IN FAVOR OF ABORTION OR CONTRACEPTION; PROVIDING DEFINITIONS; PROVIDING REMEDIES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, pregnancy centers have a considerable and growing life-affirming impact on the women, men, children, and communities they serve; and

WHEREAS, pregnancy centers serve women in Montana and across the United States with integrity and compassion; and

WHEREAS, pregnancy centers provide comprehensive care to women and men facing unexpected pregnancies, including resources to meet their physical, psychological, emotional, and spiritual needs; and

WHEREAS, pregnancy centers offer women free, confidential, and compassionate services, which can include pregnancy tests, peer counseling, 24-hour telephone hotlines, childbirth and parenting classes, referrals to community health care, adoption referrals, and other support services; and

WHEREAS, many medical pregnancy centers offer ultrasounds and other medical services; and

WHEREAS, pregnancy centers encourage women to make positive life choices by equipping them with complete and accurate information regarding their pregnancy options and the development of their unborn children; and

WHEREAS, pregnancy centers provide important support and resources for women who choose childbirth over abortion; and

WHEREAS, pregnancy centers have faced unprecedented attacks since the Supreme Court's decision in Dobbs v. Jackson Women's Health Organization, overturning Roe v. Wade and the federal constitutional right to abortion; and

WHEREAS, since 2022, at least one-third of the states have introduced legislation seeking to undermine pregnancy centers' freedom of speech and association or interfere with their hiring and staffing decisions, while numerous cities and municipalities have considered similar ordinances.

Be it enacted by the Legislature of the State of Montana:

Section 1. Definitions. As used in [sections 1 through 4], the following definitions apply:

(1) (a) "Abortion" means the act of using or prescribing an instrument, medicine, or drug or a substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman and for the purpose of ensuring the death of her unborn child.

(b) The term does not include an act taken with the intent to:

(i) save the life or preserve the health of the unborn child;

(ii) remove a dead unborn child caused by miscarriage;

(iii) remove an ectopic pregnancy; or

(iv) perform a previability separation procedure when the procedure is, in reasonable medical judgment, necessary to save or preserve the life of the pregnant woman.

(2) (a) "Abortion-inducing drug" means a medicine, drug, or any other substance prescribed or dispensed with the intent to terminate the clinically diagnosable pregnancy of a woman and for the purpose of ensuring the death of her unborn child.

(b) The term includes the off-label use of drugs known to have abortion-inducing properties that are prescribed specifically with the intent to cause an abortion.

(c) The term does not include drugs that are known to cause an abortion but that are prescribed for other medical indications.

(3) "Contraception" means the use of any natural or artificial means to prevent the fertilization of a human ovum.

(4) "Ectopic pregnancy" means the state of carrying an unborn child outside of the uterine cavity.

(5) "Medical pregnancy center" means a pregnancy center that provides medical testing, counseling, and pregnancy-related care.

(6) "Miscarriage" means the spontaneous loss of an unborn child.

(7) "Pregnancy center" means a private, nonprofit organization that promotes childbirth and alternatives to abortion and provides women, children, and families with resources, counseling, classes, referrals, and information related to pregnancy, childbearing, adoption, and parenting.

(8) (a) "Previability separation procedure" means a medical procedure performed by a qualified health care provider to remove an unborn child from the mother's uterine cavity before the stage of fetal development when, in the reasonable medical judgment of the qualified health care provider based on the particular facts of the case and in light of the most advanced medical technology and information available, there is a reasonable likelihood of sustained survival of the unborn child outside the mother's body, with or without artificial support.

(b) The term does not include an abortion.

Section 2. Prohibition on interference with work of pregnancy center. The state or a local government may not adopt or enact a law, rule, policy, or similar measure that:

(1) requires a pregnancy center to:

(a) offer or perform abortions;

(b) offer, provide, or distribute abortion-inducing drugs or contraception;

(c) refer a patient for an abortion, an abortion-inducing drug, or contraception;

(d) counsel a patient in favor of an abortion, an abortion-inducing drug, or contraception; or

(e) post an advertisement, sign, flyer, or similar material that promotes or provides information about obtaining an abortion, abortion-inducing drugs, or contraception;

(2) prohibits a pregnancy center from:

(a) providing information, care, counseling, classes, or other services related to pregnancy, childbirth, or parenting because the pregnancy center does not perform, refer, or counsel in favor of abortion, abortion-inducing drugs, or contraception;

(b) providing prenatal and postnatal resources, such as diapers, baby clothes, baby furniture, formula, and similar items, because the pregnancy center does not perform, refer, or counsel in favor of abortion, abortion-inducing drugs, or contraception;

(c) providing medical testing, counseling, and care related to pregnancy or childbirth because the pregnancy center does not perform, refer, or counsel in favor of abortion, abortion-inducing drugs, or contraception; or

(d) counseling a woman on pregnancy-related care or treatment, including care or treatment that may reverse the effects of abortion-inducing drugs; or

(3) interferes with the pregnancy center's staffing or hiring decisions by requiring the pregnancy center to interview, hire, or continue to employ a person who does not affirm the center's mission statement or agree to comply with the center's pro-life ethic and operating procedures.

Section 3. Legal remedies -- damages. (1) A pregnancy center or a party aggrieved by a violation of [section 2] may commence a civil action for damages, declaratory relief, injunctive relief, and any other appropriate relief.

(2) On a finding of a violation of [section 2], the prevailing party is entitled to recover actual damages or statutory damages of $50,000, whichever is greater, plus attorney fees and costs. If the person acted with malice, the court may award treble actual damages or treble statutory damages, whichever is greater.

(3) Damages awarded under this section are cumulative and are not limited by other remedies that may be available under federal or state law.

Section 4. Right of intervention. The legislature, by joint resolution, may appoint one or more of its members who sponsored or cosponsored [sections 1 through 4] in the member's official capacity to intervene as a matter of right in a case in which the constitutionality of this part is challenged.

Section 5. Codification instruction. [Sections 1 through 4] are intended to be codified as a new part in Title 50, chapter 4, and the provisions of Title 50, chapter 4, apply to [sections 1 through 4].

Section 6. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 7. Effective date. [This act] is effective on passage and approval.

Approved May 1, 2025